

PROCEEDINGS OF THE COMMON COUNCIL
IN REGULAR SESSION
TUESDAY, OCTOBER 9, 19 79

CITY OF FORT WAYNE, INDIANA
JOURNAL OF THE PROCEEDINGS
OF THE COMMON COUNCIL

The Common Council of the City of Fort Wayne met in the Council

Chambers Tuesday evening October 9 A.D., 19⁷⁹, in
Regular Session. President Winfield C. Moses, Jr. in the chair,
and Charles W. Westerman Clerk, at the desk, present the following

members viz:

BURNS, HINGA, HUNTER,
MOSES, NUCKOLS, DONALD SCHMIDT,
VIVIAN SCHMIDT, STIER, TALARICO,
ABSENT

COUNCILMAN, ,
, ,

The invocation was given by

Received report from the City Controller for the month of ,
19 . Motion made and carried that report be made a matter of record and placed
on file.

The minutes of the last Regular September 25, 19 79,
, 19 ,
Special , 19 ,

Session having been delivered to the Council, were, on motion, approved and
published.



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

office of the mayor

September 28, 1979

To the Common Council
Fort Wayne, Indiana

10-9-79
MADE A MATTER OF RECORD
DATE _____ CHARLES W. WESTERMAN, CITY CLERK

Gentlemen and Mrs. Schmidt:

Today, September 28, 1979, I have approved the following ordinances passed by the Common Council at its regular meeting on September 25, 1979.

(Bill No. S-79-09-01)
SPECIAL ORDINANCE NO. S-168-79

AN ORDINANCE approving an Agreement to purchase Real Estate from Melvin and Dorothy Staten for Neighborhood Care, Inc.

(Bill No. S-79-09-02)
SPECIAL ORDINANCE NO. S-169-79

AN ORDINANCE approving Civil City Purchase Order No. 4-06874 with Ries Equipment Co., Inc. for leaf vacuum sweepers for the Street Department

(Bill No. R-79-09-29)
RESOLUTION NO. R-53-79

A RESOLUTION finding, determining and ratifying an inducement resolution of the Fort Wayne Economic Development Commission authorizing the issuance and sale of \$800,000 Economic Revenue Bonds of the City of Fort Wayne, Indiana, for the purpose of inducing the Applicant to proceed with the acquisition, construction and equipping of the Project

(Bill No. Z-79-05-07)
ZONING MAP ORDINANCE NO. Z-23-79

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. P-2

(Bill No. G-79-07-28)
GENERAL ORDINANCE NO. G-20-79

AN ORDINANCE amending General Ordinance No. G-97 by authorizing the vacation of a certain utility easement in Crestwood Colony

(Bill No. G-79-07-29)
GENERAL ORDINANCE NO. G-21-79

AN ORDINANCE amending General Ordinance No. G-97 by authorizing the vacation of a certain alley north of Main Street

(Bill No. S-79-09-08)
SPECIAL ORDINANCE NO. S-170-79

AN ORDINANCE approving Change Order No. 1 Sidewalk Improvement Resolution No. 5829-79 in connection with Oxford PH IV and Larez PH II Project

(Bill No. S-79-09-09)
SPECIAL ORDINANCE NO. S-171-79

AN ORDINANCE approving a contract for Street Improvement Resolution No. 137-79 between the City of Fort Wayne, Indiana and T & F Construction Corp., Contractor for ornamental street lighting for Harrison Hill Area

(Bill No. S-79-09-10)
SPECIAL ORDINANCE NO. S-172-79

AN ORDINANCE approving Change Order No. 2 Sewer Improvement Resolution No. 302-78 in connection with Kruge Place Addition Sewer Project

(Bill No. X-77-06-27)
(AS AMENDED)
ANNEXATION ORDINANCE NO. X-05-79

AN ORDINANCE annexing certain territory to the City of Fort Wayne, and including the same in Councilmanic District No. 3

(Bill No. X-77-07-45)
(AS AMENDED)
ANNEXATION ORDINANCE NO. X-06-79

AN ORDINANCE annexing certain territory to the City of Fort Wayne, and including the same in Councilmanic District No. 3

(Bill No. R-79-08-37)
RESOLUTION NO. R-54-79

A RESOLUTION of the Common Council setting forth the policy of the City in regard to the annexation of HIGHVIEW

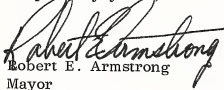
(Bill No. R-79-08-39)
RESOLUTION NO. R-55-79

A RESOLUTION of the Common Council setting forth the policy of the City in regard to the annexation of Concordia Gardens

(Bill No. R-79-09-27)
RESOLUTION NO. R-56-79

A RESOLUTION of the Common Council of the City of Fort Wayne to amend a scrivener's error in Resolution No. R-48-79 which sets forth the policy of the City in regard to newly annexed areas

Respectfully yours,


Robert E. Armstrong
Mayor

4

DATE 10-4-79 MADE A MATTER OF RECORD
CHARLES W. WESTERMAN, CITY CLERK

President of the Common Council
City of Fort Wayne, Indiana

Gentlemen:

Attached herewith are authenticated copies of the Board of
Public Safety Regulatory Resolution Number: 69/79/E

For the purpose of enforcement, please make this communication
and the attached Regulatory Resolution a matter of record and
incorporate it into the minutes of the next Common Council
Meeting.

Respectfully submitted,



Terry Coonan, Chairman
Board of Public Safety

R E T U R N C E R T I F I C A T E

(Regulatory Resolution No. 69/79/E)

I hereby certify that I did this 26th day of September, 19 79 deliver to each, the City Traffic Engineer, the Chief of Police, the City Attorney, the City Clerk and the President of the Common Council of the City of Fort Wayne, Indiana respectively, a copy of the within Regulatory Resolution No. 69/79/E of the Board of Public Safety of the City of Fort Wayne, duly certified by me as Chairman of said Board, in accordance with the provisions of Section 17-4 of Chapter 17, of the Code of the City of Fort Wayne, Indiana 1974.

Jerry Coonan
CHAIRMAN, Board of Public Safety

REGULATORY RESOLUTION NO. 69/79/E

(Adopted September 26, 19 79)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 authorizes the Board of Public Safety to make temporary or experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Temporary Experimental Regulation hereinafter ordered, with

regard to RENEW & EXTEND REG. RES. 55/79/E NO PARKING

(EMERGENCY)

: AND,

WHEREAS, the City Traffic Engineer has, by written memorandum

dated September 25, 19 79, submitted to this Board his advice with regard to the regulation herein adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 to make temporary or experimental regulations to cover special conditions, it is hereby ordered, effective

September 26, 19 79, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

NO PARKING (EMERGENCY)

Barr St. -- west side -- from Superior St. to Freiman Parking Lot Entrance

MADE A MATTER OF RECORD
DATE 10-9-79 CHARLES W. WESTERMAN, CITY CLERK

President of the Common Council

City of Fort Wayne, Indiana

Gentlemen:

Attached herewith are authenticated copies of the Board of
Public Safety Regulatory Resolution Number: 70/79/E

For the purpose of enforcement, please make this communication
and the attached Regulatory Resolution a matter of record and
incorporate it into the minutes of the next Common Council
Meeting.

Spectfully submitted,


Terry Coonan, Chairman
Board of Public Safety

RETURN CERTIFICATE

(Regulatory Resolution No. 70/79/E)

I hereby certify that I did this 27th day of September, 19 79 deliver to each, the City Traffic Engineer, the Chief of Police, the City Attorney, the City Clerk and the President of the Common Council of the City of Fort Wayne, Indiana respectively, a copy of the within Regulatory Resolution No. 70/79/E of the Board of Public Safety of the City of Fort Wayne, duly certified by me as Chairman of said Board, in accordance with the provisions of Section 17-4 of Chapter 17, of the Code of the City of Fort Wayne, Indiana 1974.

Jerry Coonan
CHAIRMAN, Board of Public Safety

(Adopted September 27, 19 79)

WHEREAS, a special condition has arisen justifying the Temporary Experimental Regulation hereinafter ordered, with regard to STOP INTERSECTION (EMERGENCY)

Whitegate Dr. -- stop -- for Rolston St.

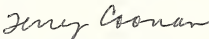
President of the Common Council
City of Fort Wayne, Indiana

Gentlemen:

Attached herewith are authenticated copies of the Board of
Public Safety Regulatory Resolution Number 71/79/E

For the purpose of enforcement, please make this communication
and the attached Regulatory Resolution a matter of record and
incorporate it into the minutes of the next Common Council
Meeting.

Respectfully submitted,



Terry Coonan, Chairman
Board of Public Safety

DATE 10-9-79 MADE A MATTER OF RECORD
BY CHARLES W. WESTERMAN, CITY CLERK

R E T U R N C E R T I F I C A T E

(Regulatory Resolution No. 71/79/E)

I hereby certify that I did this 3rd day of October, 1979 deliver to each, the City Traffic Engineer, the Chief of Police, the City Attorney, the City Clerk and the President of the Common Council of the City of Fort Wayne, Indiana respectively, a copy of the within Regulatory Resolution No. 71/79 E of the Board of Public Safety of the City of Fort Wayne, duly certified by me as Chairman of said Board, in accordance with the provisions of Section 17-4 of Chapter 17, of the Code of the City of Fort Wayne, Indiana 1974.

Jerry Coonan
CHAIRMAN, Board of Public Safety

REGULATORY RESOLUTION NO. 71/79/E

(Adopted October 3, 1979)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 authorizes the Board of Public Safety to make temporary or experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Temporary Experimental Regulation hereinafter ordered, with regard to SPEED LIMIT 35 MPH (EMERGENCY) and DELETE:
SPEED LIMIT 40 MPH (EMERGENCY)

_____: AND,

WHEREAS, the City Traffic Engineer has, by written memorandum dated October 1, 1979, submitted to this Board his advice with regard to the regulation herein adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 to make temporary or experimental regulations to cover special conditions, it is hereby ordered, effective

October 3, 1979, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

SPEED LIMIT 35 MPH (EMERGENCY)

Trier Rd. -- from -- Coliseum Blvd. to the East City Limits
(Reed Rd.)

DELETE:
SPEED LIMIT 40 MPH (EMERGENCY)

Trier Rd. -- from -- Coliseum Blvd. to the East City Limits
(Reed Rd.)


President of the Common Council
City of Fort Wayne, Indiana

Gentlemen:

Attached herewith are authenticated copies of the Board of
Public Safety Regulatory Resolution Number: 72/79/D

For the purpose of enforcement, please make this communication
and the attached Regulatory Resolution a matter of record and
incorporate it into the minutes of the next Common Council
Meeting.

Respectfully submitted,


Terry Coonan, Chairman
Board of Public Safety

DATE 11-9-77 MADE A MATTER OF RECORD
CHARLES W. WESTERMAN, CITY CLERK

R E T U R N C E R T I F I C A T E

(Regulatory Resolution No. 72/79/D)

I hereby certify that I did this 4th day of
October, 19 79 deliver to each, the City Traffic
Engineer, the Chief of Police, the City Attorney, the City
Clerk and the President of the Common Council of the City
of Fort Wayne, Indiana respectively, a copy of the within
Regulatory Resolution No. 72/79/D of the Board of Public
Safety of the City of Fort Wayne, duly certified by me as
Chairman of said Board, in accordance with the provisions
of Section 17-4 of Chapter 17, of the Code of the City of
Fort Wayne, Indiana 1974.

Jerry Coonan
CHAIRMAN, Board of Public Safety

REGULATORY RESOLUTION NO. 72/79/D

(Adopted October 4, 19 79)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 14 of said chapter delegates to this Board authority to PREFERENTIAL INTERSECTION
(DELEGATED)

_____; and,

WHEREAS, the City Traffic Engineer has, by written memorandum dated October 3, 19 79, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA

That, pursuant to the authority delegated to this Board by Section 14 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974, it is hereby ordered, effective

October 4, 19 79 and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

PREFERENTIAL INTERSECTION (DELEGATED)

Hancock Ave. -- preferential -- at Pittsburg St.

THE COUNCIL THEN ADJOURNED.

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of the City of Fort Wayne, Indiana and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings of the Common Council of the City of Fort Wayne, Indiana for its Regular Session, held on Tuesday the 9th day of October, 1979 that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor as and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this _____ day of _____, 19____.

Charles W. Westerman
City Clerk

PROCEEDINGS OF THE COMMON COUNCIL
IN REGULAR SESSION
TUESDAY, OCTOBER 9, 1979

CITY OF FORT WAYNE INDIANA
JOURNAL OF THE PROCEEDINGS
OF THE COMMON COUNCIL

The Common Council of the City of Fort Wayne met in the Council Chambers Tuesday evening October 9, 1979, in Regular Session. President Winfield C. Moses, Jr. in the chair, and Charles W. Westerman Clerk, at the desk, present the following members nine viz:

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico

The minutes of the last Regular September 25, 1979, Session having been delivered to the Council, were, on motion, approved and published.

COMMUNICATION FROM THE MAYOR

September 28, 1979

To the Common Council
Fort Wayne, Indiana

Gentlemen and Mrs. Schmidt:

Today, September 28, 1979, I have approved the following ordinances passed by the Common Council at its regular meeting on September 25, 1979.

(Bill No. S-79-09-01)
SPECIAL ORDINANCE NO. S-168-79

AN ORDINANCE approving an Agreement to purchase Real Estate from Melvin and Dorothy Staten for Neighborhood Care, Inc.

(Bill No. S-79-09-02)
SPECIAL ORDINANCE NO. S-169-79

AN ORDINANCE approving Civil City Purchase Order No. 4-06874 with Ries Equipment Co., Inc. for leaf vacuum sweepers for the Street Department

(Bill No. R-79-09-29)
RESOLUTION NO. R-53-79

A RESOLUTION finding, determining and ratifying an inducement resolution of the Fort Wayne Economic Development Commission authorizing the issuance and sale of \$800,000 Economic Revenue Bonds of the City of Fort Wayne, Indiana, for the purpose of inducing the Applicant to proceed with the acquisition, construction and equipping of the Project

(Bill No. Z-79-05-07)
ZONING MAP ORDINANCE NO. Z-23-79

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. P-2

(Bill No. G-79-07-28)
GENERAL ORDINANCE NO. G-20-79

AN ORDINANCE amending General Ordinance No. G-97 by authorizing the vacation of a certain utility easement in Crestwood Colony

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AN ORDINANCE amending General Ordinance No. G-97 by authorizing the vacation of a certain alley north of Main Street

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AN ORDINANCE approving Change Order No. 1 Sidewalk Improvement Resolution No. 5829-79 in connection with Oxford PH IV and Larez PH II Project

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(Bill No. S-79-09-10)
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(Bill No. X-77-06-27)
(AS AMENDED)
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AN ORDINANCE annexing certain territory to the City of Fort Wayne, and including the same in Councilmanic District No. 3

(Bill No. X-77-07-45)
(AS AMENDED)
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(Bill No. R-79-08-37)
RESOLUTION NO. R-54-79

A RESOLUTION of the Common Council setting forth the policy of the City in regard to the annexation of HIGHVIEW

(Bill No. R-79-08-39)
RESOLUTION NO. R-55-79

A RESOLUTION of the Common Council setting forth the policy of the City in regard to the annexation of Concordia Gardens

(Bill No. R-79-09-27)
RESOLUTION NO. R-56-79

A RESOLUTION of the Common Council of the City of Fort Wayne to amend a scrivener's error in Resolution No. R-48-79 which sets forth the policy of the City in regard to newly annexed areas

Respectfully yours,

Robert E. Armstrong
Mayor

Made a matter of record 10-9-79

Charles W. Westerman
City Clerk

COMMUNICATION FROM THE CHAIRMAN OF PUBLIC SAFETY

President of the Common Council
City of Fort Wayne, Indiana

Gentlemen and Mrs. Schmidt:

Attached herewith is an authenticated copy of the Board of Public Safety
Regulatory Resolution Numbers 69/79/E

For the purpose of enforcement, please make this communication and the attached
Regulatory Resolutions a matter of record and incorporate it into the minutes
of the next Common Council Meeting.

Respectfully submitted,

W. Terry Coonan
Chairman - Board of Public Safety

Made a matter of record 10-9-79

Charles W. Westerman
City Clerk

RETURN CERTIFICATE
(Regulatory Resolution No. 69/79/E)

I hereby certify that I did this 26th day of September, 1979
deliver to each, the City Traffic Engineer, the Chief of Police, the City
Attorney, the City Clerk and the President of the Common Council of
the City of Fort Wayne, Indiana, respectively, a copy of the within Regulatory
Resolution No. 69/79/E of the Board of Public Safety of the City of Fort

Wayne, duly certified by me as Chairman of said Board, in accordance with the provisions of Section 17-4 of Chapter 17, of the Code of the City of Fort Wayne, Indiana 1974.

Terry Coonan
Chairman, Board of Public Safety

REGULATORY RESOLUTION NO. 69/79/E

(Adopted September 26, 1979)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 authorizes the Board of Public Safety to make temporary or experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Temporary Experimental Regulation hereinafter ordered, with regard to RENEW & EXTEND REG. RES. 55/79/E NO PARKING (EMERGENCY) AND,

WHEREAS, the City Traffic Engineer has, by written memorandum dated September 25, 1979, submitted to this Board his advice with regard to the regulation herein adopted, which written memorandum is on file in the Office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 to make temporary or experimental regulations to cover special conditions, it is hereby ordered, effective September 26, 1979, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

NO PARKING

(EMERGENCY)

Barr St. --west side--

from Superior St. to Freiman Parking
Lot Entrance

COMMUNICATION FROM THE CHAIRMAN OF PUBLIC SAFETY

President of the Common Council
City of Fort Wayne, Indiana

Gentlemen and Mrs. Schmidt:

Attached herewith is an authenticated copy of the Board of Public Safety
Regulatory Resolution Numbers 70/79/E

For the purpose of enforcement, please make this communication and the attached
Regulatory Resolutions a matter of record and incorporate it into the minutes
of the next Common Council Meeting.

Respectfully submitted,

W. Terry Coonan
Chairman - Board of Public Safety

Made a matter of record 10-9-79

Charles W. Westerman
City Clerk

RETURN CERTIFICATE
(Regulatory Resolution No. 70/79/E)

I hereby certify that I did this 27th day of September, 1979
deliver to each, the City Traffic Engineer, the Chief of Police, the City
Attorney, the City Clerk and the President of the Common Council of
the City of Fort Wayne, Indiana, respectively, a copy of the within Regulatory
Resolution No. 70/79/E of the Board of Public Safety of the City of Fort
Wayne, duly certified by me as Chairman of said Board, in accordance
with the provisions of Section 17-4 of Chapter 17, of the Code of the
City of Fort Wayne, Indiana 1974.

Terry Coonan
Chairman, Board of Public Safety

REGULATORY RESOLUTION NO. 70/79/E

(Adopted September 27, 1979)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 authorizes the Board of Public Safety to make temporary or experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Temporary Experimental Regulation hereinafter ordered, with regard to STOP INTERSECTION (EMERGENCY) AND,

WHEREAS, the City Traffic Engineer has, by written memorandum dated September 26, 1979 , submitted to this Board his advice with regard to the regulation herein adopted, which written memorandum is on file in the Office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 to make temporary or experimental regulations to cover special conditions, it is hereby ordered, effective September 27, 1979 , and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

STOP INTERSECTION

(EMERGENCY)

Whitegate Dr.

--stop--

for Rolston St.

COMMUNICATION FROM THE CHAIRMAN OF PUBLIC SAFETY

President of the Common Council
City of Fort Wayne, Indiana

Gentlemen and Mrs. Schmidt:

Attached herewith is an authenticated copy of the Board of Public Safety
Regulatory Resolution Numbers 71/79/E

For the purpose of enforcement, please make this communication and the attached
Regulatory Resolutions a matter of record and incorporate it into the minutes
of the next Common Council Meeting.

Respectfully submitted,

W. Terry Coonan
Chairman - Board of Public Safety

Made a matter of record 10-9-79 Charles W. Westerman
City Clerk

RETURN CERTIFICATE
(Regulatory Resolution No. 71/79/E)

I hereby certify that I did this 3rd day of October, 1979
deliver to each, the City Traffic Engineer, the Chief of Police, the City
Attorney, the City Clerk and the President of the Common Council of
the City of Fort Wayne, Indiana, respectively, a copy of the within Regulatory
Resolution No. 71/79/E of the Board of Public Safety of the City of Fort
Wayne, duly certified by me as Chairman of said Board, in accordance
with the provisions of Section 17-4 of Chapter 17, of the Code of the
City of Fort Wayne, Indiana 1974.

Terry Coonan
Chairman, Board of Public Safety

REGULATORY RESOLUTION NO. 71/79/E

(Adopted October 3, 1979)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort
Wayne, Indiana of 1974 authorizes the Board of Public Safety to make temporary
or experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Temporary Experimental Regulation hereinafter ordered, with regard to SPEED LIMIT 35 MPH (EMERGENCY) AND DELETE: SPEED LIMIT 40 MPH (EMERGENCY) AND,

WHEREAS, the City Traffic Engineer has, by written memorandum dated October 1, 1979, submitted to this Board his advice with regard to the regulation herein adopted, which written memorandum is on file in the Office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 to make temporary or experimental regulations to cover special conditions, it is hereby ordered, effective October 3, 1979, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

DELETE:

SPEED LIMIT 40 MPH (EMERGENCY)

Trier Rd. --from--

Colisum Blvd. to the East City Limits
(Reed Rd.)

COMMUNICATION FROM THE CHAIRMAN OF PUBLIC SAFETY

President of the Common Council
City of Fort Wayne, Indiana

Gentlemen and Mrs. Schmidt:

Attached herewith is an authenticated copy of the Board of Public Safety Regulatory Resolution Numbers 72/79/D

For the purpose of enforcement, please make this communication and the attached Regulatory Resolutions a matter of record and incorporate it into the minutes

of the next Common Council Meeting.

Respectfully submitted,

W. Terry Coonan
Chairman - Board of Public Safety

Made a matter of record 10-9-79 Charles W. Westerman
City Clerk

RETURN CERTIFICATE
(Regulatory Resolution No. 72/79/D)

I hereby certify that I did this 4th day of October, 1979 deliver to each, the City Traffic Engineer, the Chief of Police, the City Attorney, the City Clerk and the President of the Common Council of the City of Fort Wayne, Indiana, respectively, a copy of the within Regulatory Resolution No. 72/79/D of the Board of Public Safety of the City of Fort Wayne, duly certified by me as Chairman of said Board, in accordance with the provisions of Section 17-4 of Chapter 17, of the Code of the City of Fort Wayne, Indiana 1974.

Terry Coonan
Chairman, Board of Public Safety

REGULATORY RESOLUTION NO. 72/79/D

(Adopted October 4, 1979)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 14 of said chapter delegates to this Board authority to PREFERENTIAL INTERSECTION (DELEGATED); and,

WHEREAS, the City Traffic Engineer has, by written memorandum dated October 3, 1979 submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in

the office of this Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA

That, pursuant to the authority delegated to this Board by Section 14 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974, it is hereby ordered, effective October 4, 1979 and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

PREFERENTIAL INTERSECTION (DELEGATED)

Hancock Ave. --preferential-- at Pittsburg St.

BILL NO. A-79-10-01

APPROPRIATION ORDINANCE NO. A-

AN ORDINANCE appropriating funds to the Barrett Law Revolving Improvement Fund pursuant to P.L. 176, Acts of 1979

WHEREAS, the 101st Indiana General Assembly adopted P.L. 176 (previously identified as Senate Enrolled Act No. 243), Section 2 (b) of which created and established under the City Controller a Barrett Law Revolving Improvement Fund to be funded initially by a transfer by this body of funds from the surplus Barrett Law Account; and

WHEREAS, said Act authorizes the use of the monies in said Revolving Fund to facilitate the initiation, progress or completion of moderate-sized public improvement projects by advancing to the contractor all or part of the cost of the project; and

WHEREAS, the City Controller has recommended that there be transferred from the surplus Barrett Law Account to such Barrett Law Revolving Improvement Fund, pursuant to such authorization, the sum of \$600,000.00; and

WHEREAS, this body concurs with the City Controller that to proceed in accordance with the authority granted by Section 2 of P.L. 176 (1979) can facilitate the initiation, progress or completion of moderate-sized public improvement projects to the benefit of the entire city and its citizenry.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That, pursuant to I.C. 18-6-5-29.5 as added by Public Law 176, Acts of 1979 (previously, Senate Enrolled Act No. 243) there is hereby transferred from the Surplus Barrett Law Account to the Barrett Law Revolving Improvement Fund created and established by Section 2 of said Public Law, the sum of six hundred thousand (\$600,000.00) dollars.

SECTION 2. That this Ordinance shall be effective on passage, and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the first time in full and on motion by V. Schmidt, seconded by Stier, and duly adopted, read the second time by title and referred to the Committee on Finance

Date: 10-9-79

Charles W. Westerman
City Clerk

BILL NO. S-79-10-02

SPECIAL ORDINANCE NO. S-

AN ORDINANCE authorizing the sale and execution
of deed to Saxon Industries, Inc., or its
assignee of certain real estate owned by the City
of Fort Wayne, Indiana

WHEREAS, the City of Fort Wayne is the owner of certain real estate in Fort Wayne, Indiana, described as follows, to-wit:

TRACT NO. 1

Part of the Southwest quarter of Section 4, Township
29 North, Range 12 East in Allen County, State of
Indiana, described as follows, to-wit:

Beginning at a point situated 106.0 feet South, 87
degrees and 35 minutes East, of the Northwest corner
of the Southwest quarter of the southwest quarter of

Section 4, Township 29 North, Range 12 East in Allen County, State of Indiana; thence North 88 degrees and 20 minutes East, 679.5 feet; thence South 1 degree and 40 minutes East 641.0 feet to the centerline of a public thoroughfare known as "C" Street; thence South 88 degrees and 20 minutes West 679.5 feet along the said centerline of the public thoroughfare known as "C" Street; thence North 1 degree and 40 minutes West 641.0 feet to the place of beginning, containing 10.00 acres of land, more or less, subject to building set-back lines, road easements and easements for the installation, maintenance, operation and use of all public or quasi-public utilities or services as determined and set out by the Board of Aviation Commissioners of the City of Fort Wayne, Indiana,

TRACT NO. 2

Part of the Southwest quarter of Section 4, Township 29 North, Range 12 East in Allen County, State of Indiana, described as follows, to-wit: Beginning at a point situated 106.0 feet South, 87 degrees 35 minutes East of the Northwest corner of the Southwest quarter of the Southwest quarter of Section 4, Township 29 North, Range 12 East in Allen County, State of Indiana; thence North 1 degree 40 minutes West 147.0 feet; thence North 88 degrees 20 minutes East 1174.0 feet to the West right of way line of Thirteenth Street in the Plan of Baer Field Municipal Airport in the City of Fort Wayne, Indiana; thence South 1 degree 12 minutes East 788.0 feet along the said West right of way line of Thirteenth Street to the centerline of "C" Street in the aforesaid Plan of Baer Field Municipal Airport in the City of Fort Wayne, Indiana; thence South 88 degrees 20 minutes West 488.0 feet along the said centerline of "C" Street; thence North 1 degree 40 minutes West 641.0 feet; thence South 88 degrees 20 minutes West 679.0 feet to the point of beginning, containing 11.17 acres of land, more or less, subject to easements for the maintenance, repair or replacement of all existing public or quasi-public utilities and services and also subject to easements over the Westerly 25.0 feet thereof for the Easterly half of Seventh Street and over the Southerly 25.0 feet thereof for the Northerly half

of "C" Street in the aforementioned Plan of
Baer Field Municipal Airport in the City of Fort
Wayne, Indiana.

WHEREAS, the said City through its Board of Aviation Commissioners entered into leases of said tracts dated September 13, 1955 and August 1, 1959 with Magna Engineering Corporation (Tract No. 1 above) and Standard Packaging Corporation (Tract No. 2 above); and

WHEREAS, the leasehold interest in said leases are both currently vested in Saxon Industries, Inc., by virtue of certain corporate mergers and assignments; and

WHEREAS, by addendum to said leases dated December 31, 1959, the lessee and assignee of the lessee under each of said leases was given an option to purchase said real estate for the appraised value thereof less all rent paid under said leases; and

WHEREAS, on May 21, 1979 notice was given by Saxon Industries Inc., that it was exercising its option to purchase said real estate in accordance with the terms of said leases and said addendum thereto; and

WHEREAS, the City of Fort Wayne and its Board of Aviation Commissioners are obligated under the terms of said lease and the addendum thereto to complete the sale of said real estate in accordance with the terms of the option and it is in the best interest of the City of Fort Wayne and said Board of Aviation Commissioners to complete said sale.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the sale by the City of Fort Wayne, Indiana of the above described real estate for not less than the appraised value, less ~~the~~ rent paid under said leases and the addendum thereto be and hereby is authorized and approved.

SECTION 2. That the Mayor of the City of Fort Wayne be, and he is hereby authorized and directed in the name of and for and on behalf of the City of Fort Wayne to execute a deed to Saxon Industries, Inc. or its assignee for the parcels of real estate hereinabove described upon payment by Saxon Industries, Inc., or its assignee, of a sum equal to the appraised value of said real estate less rents paid under said leases, such deed to be in the form of a warranty deed and to be subject to the terms and conditions as shall be considered necessary and advisable in the best interest of the City of Fort

Wayne, The signature of the Mayor on such instrument shall be attested by the City Clerk of the City of Fort Wayne, and accompanied by the seal of said City.

SECTION 3. The proceeds of such sale shall be deposited in the Aviation Fund of the City of Fort Wayne.

SECTION 4. This Ordinance shall be and constitute sufficient authority for the Mayor and the City Clerk of the City of Fort Wayne to execute such a deed and to do all things incidental thereto or necessary therefor.

SECTION 5. This Ordinance shall be in full force and effect from and after its passage.

Vivian G. Schmidt
Councilwoman

Read the first time in full and on motion by V. Schmidt, seconded by Stier, and duly adopted, read the second time by title and referred to the Committee on Finance

Date: 10-9-79

Charles W. Westerman
City Clerk

BILL NO. S-79-10-09

SPECIAL ORDINANCE NO. S-

AN ORDINANCE approving a contract for
Street Improvement Resolution No. 5851-79,
between the City of Fort Wayne, Indiana
and Dailey Asphalt Products Company,
Contractor for resurfacing pavement on
Anthony Boulevard

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA:

SECTION 1. That a certain contract, dated September 26, 1979,
between the City of Fort Wayne, Indiana, by and through its Mayor and the
Board of Public Works, and Dailey Asphalt Products Company, Contractor, for:

resurfacing and restoring the pavement on Anthony Blvd.,

from the south curb line of Maumee Avenue to the south curb line of Rudisill Blvd.,

under Board of Public Works Street Improvement Resolution No. 5851-79, at a total cost of \$236,664.50, all as more particularly set forth in said contract which is on file in the office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

William T. Hinga
Councilman

Read the first time in full and on motion by Hinga, seconded by Talarico, and duly adopted, read the second time by title and referred to the Committee on Public Works

Date: 10-9-79

Charles W. Westerman
City Clerk

BILL NO. S-79-10-10

SPECIAL ORDINANCE NO. S-

AN ORDINANCE approving City Utilities
Purchase Order No. 1411 with J.C. Gripp
Associates for sewer cleaners for the
WPC Maintenance Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order No. 1411, dated September 28, 1979, between the City of Fort Wayne, by and through the City Utilities Purchasing Agent and the Board of Public Works and J.C. Gripp Associates, for:

Two 1980 High Pressure Sewer Cleaners, Truck mounted,
for the Water Pollution Control Maintenance Department,

at a cost of \$56,096.00, all as more particularly set forth in said Purchase Order,

which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the first time in full and on motion by Burns, seconded by Talarico, and duly adopted, read the second time by title and referred to the Committee on City Utilities

Date: 10-9-79

Charles W. Westerman
City Clerk

BILL NO. S-79-10-12

SPECIAL ORDINANCE NO. S-

AN ORDINANCE approving City Utilities
Purchase Order No. 1393 with International
Harvester Company for one dump truck for
the Filtration Plant

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order No. 1393, dated September 24, 1979, between the City of Fort Wayne, by and through the City Utilities Purchasing Agent and the Board of Public Works and International Harvester Company, for:

One Dump Truck complete with dump body and hoist for
the Filtration Plant,

at a cost of \$19,101.56, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the first time in full and on motion by Burns, seconded by Talarico, and duly adopted, read the second time by title and referred to the Committee on City Utilities

Date: 10-9-79

Charles W. Westerman
City Clerk

BILL NO. Z-79-10-07

ZONING MAP ORDINANCE NO. Z-

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No.. 0-7

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a R-3 District under the terms of Chapter 33, Municipal Code of the City of Fort Wayne, Indiana, 1974; and the symbols of the City of Fort Wayne Zoning Map No. 0-7, referred to therein, established by Section 33-11, of said Chapter are hereby changed accordingly, to wit:

Lots 42 and 43 in Devilbiss Second Addition to the
City of Fort Wayne.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

John Nuckols
Councilman

Read the first time in full and on motion by Nuckols, seconded by V. Schmidt, and duly adopted, read the second time by title and referred to the Committee on Regulations and the City Plan Commission for recommendation

Date: 10-9-79

Charles W. Westerman
City Clerk

BILL NO. Z-79-10-08

ZONING MAP ORDINANCE NO. Z-

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. L-14

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a R-1 District under the terms of Chapter 33, Municipal Code of the City of Fort Wayne, Indiana, 1974; and the symbols of the City of Fort Wayne Zoning Map No. L-14, referred to therein, established by Section 33-11, of said Chapter are hereby changed accordingly, to wit:

Lots 97 through 112 in Beck's 3rd Addition; Lots 67 through 82 in Beck's 2nd Addition; Lots 15 through 34 and 37 through 58 in Pfeiffer Place Addition; Lots 1 through 4 in Felix Rouseaus Subdivision. SPACES 1 through 6 as follows: Space 1, 46.4' x 144' east of Lot 97 in Beck's 3rd Addition; Space 2, 46.4' x 144' east of west of 46.4' of Lot 97 in Beck's 3rd Addition; Space 3, 46.4' x 144' west of Lot 74 Beck's 2nd Addition; Space 4, East 43' of Space 92.8' x 144' west of Lot 75 in Beck's 2nd Addition; Space 5, 48.3' x 144' west of East 43' west of Lot 75 in Beck's 2nd Addition; Space 6, 46.4' x 144' east of Lot 112 in Beck's 3rd Addition.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

John Nuckols
Councilman

Read the first time in full and on motion by Nuckols, seconded by V. Schmidt, and duly adopted, read the second time by title and referred to the Committee on Regulations and the City Plan Commission for recommendation

Date: 10-9-79

Charles W. Westerman
City Clerk

BILL NO. G-79-10-11

GENERAL ORDINANCE NO. G-

AN ORDINANCE amending General Ordinance
No. G-66-66 heretofore adopted on June
14, 1966, by adding M-3 Zoning District
to Fire Zone No. 2

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA:

SECTION 1. That sub-section 116.2 "Fire Zone No. 2" of General Ordinance No. G-66-66 heretofore adopted on June 14, 1966, is amended to be and read:

The Secondary Fire Zone of the City shall be all that territory in the area which is, or will be zoned, as
"B-1, B-2, B-3B, B-4, M-1, M-2, M-3, 1A and R-3."

SECTION 2. That this Ordinance shall be in full force and effect upon passage, approval by the Mayor and due legal publication thereof.

John Nuckols
Councilman

Read the first time in full and on motion by Nuckols, seconded by Stier, and duly adopted, read the second time by title and referred to the Committee on Regulations

Date: 10-9-79

Charles W. Westerman
City Clerk

BILL NO. X-79-10-13

ANNEXATION ORDINANCE NO. X-

AN ORDINANCE annexing certain territory,
commonly known as The Park, to Fort Wayne,
and including the same in Councilmanic
District No. 3

WHEREAS, the owners of the herein described territory have
petitioned for voluntary annexation of said territory; and,

WHEREAS, the City of Fort Wayne is desirous of annexing said
territory, therefore,

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA:

Section 1. That the following described territory be, and the same
is hereby, annexed to and made a part of the corporation of the City of Fort
Wayne, Indiana, to-wit:

Parts of Section 5, 7, 8 and 17 in St. Joseph Township
31 North, Range 13 East, in Allen County, more partic-
ularly described as follows, to-wit:

Beginning at a point which is the intersection of the
centerline of the St. Joseph River and the extension
East of the North boundary line of Concordia Gardens;
thence West along the North boundary line of Concordia
Gardens to the East right-of-way line of Leo Road; thence
Northeast along the East right-of-way line of Leo Road
to the South line of "The Meadows In The Park" as
recorded in Book 43, Pages 3-7, in the Office of the
Recorder of Allen County; thence S 66 degrees 58' 00"
East a distance of 556.52'; thence S 85 degrees 22'
26" East a distance of 104.81'; thence N 72 degrees
37' 47" East a distance of 124.56'; thence S 35 degrees
47' 01" East a distance of 788.28'; thence N 87 degrees
31' 30" East a distance of 290.37'; thence N 43 degrees
46' 30" East a distance of 458.38'; thence N 46 degrees
13' 30" West a distance of 53.73'; thence N 43 degrees
46' 30" East a distance of 139.78' to a point on the
East line of Section 7-31-13; thence North along the East
line of Section 7 to the centerline of said Section 7;

thence WEst along centerline of Section 7 to the East right-of-way line of Leo Road; thence Northeasterly along the East right-of-way line of Leo Road to the intersection of the North line of Section 8-31-13; thence East along the North line of said Section 8 to the West line of Bouries Reserve; thence southerly along the West line of Bouries Reserve a distance of 636'; thence South 70 degrees East a distance of 1000'; thence South 18 degrees East a distance of 800'; thence at a deflection to the left of 38 degrees 32' a distance of 700'; thence at a deflection to the right of 90 degrees 01' 30" on a line extended to the centerline of the St. Joseph River; thence following the centerline of the St. Joseph River in it's menaderings to the point of beginning. An area of approximately 347 acres more or less.

Section 2. It is the policy of the City of Fort Wayne to furnish the above described territory within a period of time one (1) year of the effective date of annexation governmental services of a non-capital nature in a manner which is equivalent in standard and scope to those non-capital services provided to areas within the City which have similar topography, patterns of land utilization, and population density to the said described territory. It is also the policy of the City of Fort Wayne to provide services of a capital improvement nature to the annexed territory within three (3) years of the effective date of annexation in the same manner as such services are provided to areas already in the City with similar topography, patterns of land utilization and population density, and in a manner consistent with federal, state, and local laws, procedures and planning criteria.

Section 3. Governmental and proprietary services will be provided to the above described territory in a manner consistent with the written Fiscal Plan for the territory developed by the Department of Community Development and Planning. Said Plan was examined by the Common Council and is approved and adopted by the Common Council by the passage of this Ordinance.

Section 4. Said described territory shall be part of Councilmanic District No. 3 of the City of Fort Wayne, Indiana, as described in Section 2-9 of Article II of the Code of the City of Fort Wayne, Indiana, 1974.

SEction 5. This Ordinance shall be in full force and effect after its passage, approval by the Mayor and final publication thereof as required by law.

James S. Stier
Councilman

Read the first time in full and on motion by Stier, seconded by Talarico, and duly adopted, read the second time by title and referred to the Committee on Annexation and the City Plan Commission for recommendation

Date: 10-9-79

Charles W. Westerman
City Clerk

BILL NO. R-79-10-14

RESOLUTION NO. R-

A RESOLUTION of the Common Council setting forth the policy of the City in regard to the annexation of The Park

WHEREAS, the annexation of territory to the City is a legislative function; and,

WHEREAS, the Common Council is called upon in the preparation of the City budget to provide for the furnishing of municipal services to the entire City including newly annexed areas; and

WHEREAS, the Common Council desires that newly annexed areas receive the full measure of municipal services; and,

WHEREAS, the Common Council has before it an ordinance for the annexation of The Park annexation area, more specifically described, to-wit:

Parts of Sections 5, 7, 8 and 17 in St. Joseph Township 31 North, Range 13 East, in Allen County, more particularly described as follows, to-wit:

Beginning at a point which is the intersection of the centerline of the St. Joseph River and the extension East of the North boundary line of Concordia Gardens; thence West along the North boundary line of Concordia Gardens to the East right-of-way line of Leo Road; thence Northeast along the East right-of-way line of Leo Road to the South line of "The Meadows In The Park" as recorded in Book 43, Pages 3-7, in the Office of the Recorder of Allen County; thence S66 degrees 58'

00" East a distance of 556.52'; thence S 85 degrees
 32' 26" East a distance of 104.81'; thence N 72 degrees
 37' 47" East a distance of 124.56'; thence S 35 degrees
 47' 01" East a distance of 788.28'; thence N 87 degrees
 31' 30" East a distance of 290.37'; thence N 43 degrees
 46' 30" East a distance of 458.38'; thence N 46 degrees
 13' 30" West a distance of 53.73'; thence N 43 degrees
 46' 30" East a distance of 139.78' to a point on the
 East line of Section 7-31-13; thence North along the
 East line of Section 7 to the centerline of said
 Section 7; thence West along the centerline of Section
 7 to the East right-of-way line of Leo Road; thence North-
 easterly along the East right-of-way line of Leo Road to
 the intersection of the North line of Section 8-31-13;
 thence East along the North line of said Section 8 to
 the West line of Bouries Reserve; thence southerly along
 the West line of Bouries Reserve a distance of 636';
 thence South 70 degrees East a distance of 1000'; thence
 South 18 degrees East a distance of 800'; thence at a
 deflection to the left of 38 degrees 32' a distance of
 700'; thence at a defection to the right of 90 degrees
 01' 30" on a line extended to the centerline of the
 St. Joseph River; thence following the centerline of the
 St. Joseph River in it's meanderings to the point of
 beginning. An area of approximately 347 acres more or
 less.

BE IT THEREFORE RESOLVED BY THE COMMON COUNCIL OF THE
 CITY OF FORT WAYNE, INDIANA:

1. That in the case of The Park annexation it is the policy of the City of Fort Wayne to follow the provisions of Common Council Resolution No. R-56-79 with regard to the provision of non-capital and capital services to the annexation area.

2. That it is the policy of the City to follow the annexation fiscal plan for said described territory as prepared by the Department of Community Development and Planning.

3. That said plan sets forth cost estimates of the services to be provided, the methods of financing these services, the plan for the organization and extension of these services, delineates the non-capital improvement services to be provided within one (1) year of annexation, the capital improvement services to be provided within three (3) years of annexation, and the plan for hiring employees of other governmental entities whose jobs will be eliminated by this annexation.

4. Said plan is hereby approved and adopted by the Common Council and shall be in force upon the effective date of The Park annexation ordinance.

James S. Stier
Councilman

Read the first time in full and on motion by Stier, seconded by Talarico, and duly adopted, read the second time by title and referred to the Committee on Annexation and the City Plan Commission for recommendation

Date: 10-9-79

Charles W. Westerman
City Clerk

BILL NO. S-79-09-13

REPORT OF THE COMMITTEE ON FINANCE

We, your Committee on Finance to whom was referred an Ordinance approving Civil City Purchase Order No. 4-06937 with Seastrom, Inc., for Leaf Receiver Boxes for the Street Department have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS

Vivian G. Schmidt
William T. Hinga
James S. Stier
Donald J. Schmidt

Concurred in 10-9-79

Charles W. Westerman
City Clerk

BILL NO. S-79-09-13

SPECIAL ORDINANCE NO. S- 173-79

AN ORDINANCE approving Civil City Purchase Order No. 4-06937 with Seastrom, Inc. for Leaf Receiver Boxes for the Street Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA:

SECTION 1. That Civil City Purchase Order No. 4-06937, dated September 12, 1979, between the City of Fort Wayne, by and through the City Purchasing Director and the Board of Public Works and Seastrom, Inc., for the purchase of ten Leaf Receiver Boxes to be used with the Leaf Sweepers by the Street Department, at a cost of \$11,500.00, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmidt,
Stier, Talarico

Nays: None

Date: 10-9-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-173-79 on the 9th day of October, 1979.

ATTEST: (SEAL)

Charles W. Westerman Winfield C. Moses, Jr.
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of October, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of October, 1979, at the hour of 10:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. S-79-09-14

REPORT OF THE COMMITTEE ON FINANCE

We, your Committee on Finance to whom was referred an Ordinance approving a Consultant Retainer Agreement between Jerry L. Stuckey, M.D. and the City of Fort Wayne by and through its Mayor and the Board of Public Safety for Medical Director of Emergency Medical Services have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS

Vivian G. Schmidt
William T. Hinga
James S. Stier
John Nuckols
Donald J. Schmidt

Concurred in 10-9-79

Charles W. Westerman
City Clerk

BILL NO. S-79-09-14

SPECIAL ORDINANCE NO. S-174-79

AN ORDINANCE approving a Consultant Retainer Agreement between Jerry L. Stucky, M.D. and the City of Fort Wayne by and through its Mayor and Board of Public Safety for Medical Director of Emergency Medical Services

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a Consultant Retainer Agreement, dated June 1, 1979, between the City of Fort Wayne, by and through its Mayor and Board of Public Safety and Jerry L. Stucky, M.D., for retainment of Dr. Stucky as Medical Director of the Emergency Medical Services of the City all as more particularly set forth in said Agreement which is on file in the Office of the Board of Public Safety and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Hunter, Hinga, Moses, Nuckols, D. Schmidt, Stier,
V. Schmidt, Talarico

Nays: None

Date: 10-9-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-174-79 on the 9th day of October, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of October, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of October, 1979, at the hour of 10:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. S-79-09-28

REPORT OF THE COMMITTEE ON FINANCE

We, your Committee on Finance to whom was referred an Ordinance AUTHORIZING THE CITY OF FORT WAYNE TO ISSUE ITS "ECONOMIC DEVELOPMENT FIRST MORTGAGE REVENUE BONDS, SERIES 1979 (REAL ESTATE DEVELOPMENT, LT. PROJECT)" AND APPROVING OTHER ACTIONS IN RESPECT THERETO have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS

Vivian G. Schmidt
William T. Hinga
James S. Stier
Donald J. Schmidt

Concurred in 10-9-79

Charles W. Westerman
City Clerk

BILL NO. S-79-09-28

SPECIAL ORDINANCE NO. S-175-79

ORDINANCE AUTHORIZING THE CITY OF FORT
WAYNE TO ISSUE ITS "ECONOMIC DEVELOPMENT FIRST
MORTGAGE REVENUE BONDS, SERIES 1979
(REAL ESTATE DEVELOPMENT, LTD. PROJECT)"
AND APPROVING OTHER ACTIONS IN RESPECT THERETO

WHEREAS, the Fort Wayne Economic Development Commission has been duly created by the City of Fort Wayne, Indiana, and the members of the Commission have been duly appointed and qualified pursuant to law; and

WHEREAS, the Fort Wayne Economic Development Commission has prepared and filed with the City Plan Commission its report entitled "Report of Fort Wayne Economic Development Commission Regarding Facilities to be Constructed for Real Estate Development, Ltd."; and

WHEREAS, the City Plan Commission has filed its written comments concerning the proposed economic development facilities and approving the same; and

WHEREAS, the Fort Wayne Economic Development Commission, after a public hearing conducted on September 18, 1979, adopted a Resolution on the same date, which Resolution has been transmitted hereto, finding that the financing of certain economic development facilities (the "Project") of Real Estate Development, Ltd. complies with the purposes and provision of I.C. 1971, 18-6-4.5, as supplemented and amended (the "Act"), and that such financing will be of benefit to the health and welfare of the City of Fort Wayne and its citizens; and

WHEREAS, the Fort Wayne Economic Development Commission has heretofore approved and recommended to this Common Council that it adopt this form of Ordinance and has approved the forms of and has transmitted for approval by this Common Council the Loan Agreement between the City of Fort Wayne and the Company (the "Agreement"), Mortgage and Security

Agreement from the Company to the City of Fort Wayne (the "Mortgage"), an Assignment of such Mortgage (the "Assignment") from the City of Fort Wayne to Indiana Bank and Trust Company (the "Trustee") and a Trust Indenture between the City of Fort Wayne and the Trustee (the "Indenture"); now, therefore,

BE IT ORDAINED by the Common Council of the City of Fort Wayne Indiana, that:

Section 1. It is hereby found and determined that the financing of the economic development facilities constituting the Project and referred to in the Loan Agreement approved by the City of Fort Wayne Economic Development Commission and presented to this Common Council, the issuance and sale of \$1,500,000 Economic Development Revenue Bond of the City of Fort Wayne, the use of the net proceeds thereof for the construction and equipment of such facilities, the payment of principal of, premium, if any, and interest on such bond from rental payments pursuant to the Agreement, and the securing of said bond by the mortgaging of the Project to the Trustee pursuant to the Mortgage and the Assignment, all as previously approved by the City of Fort Wayne Economic Development Commission and presented to this Common Council, will be of benefit to the health and welfare of the City of Fort Wayne and its citizens and complies with the purposes and provisions of the Act.

Section 2. The forms of the Agreement, the Mortgage, the Assignment and the Indenture approved by the City of Fort Wayne Economic Development Commission are hereby approved. Such documents collectively shall be considered the "Financing Agreement" referred to in the Act. Such documents shall be incorporated herein by reference and shall be inserted in the minutes of the Common Council and kept on file by the City Clerk.

Section 3. The City of Fort Wayne hereby determines that an economic development revenue bond shall be issued pursuant to the Act in the principal amount of \$1,500,000 for the aforesaid purpose. Such bond shall be designated "City of Fort Wayne Economic Development Revenue Bond (Real Estate Development, Ltd. Project)" (the "Bond"), and shall be issued for the purpose of procuring funds to make a loan to Real Estate Development, Ltd. who shall use such proceeds to pay the costs of construction and equipment of the economic development facilities constituting the Project, as more particularly set out in the Indenture and Agreement incorporated herein by reference, which Bond shall be issued in the form and denomination and shall be executed, dated, be subject to redemption on the dates and at the prices as provided in the above described Indenture, and more particularly as provided in the form of Bond appearing in such Indenture, which form is specifically approved. The Bond will be payable as to principal, premium, if any, and interest from the loan payments made by Real Estate Development, Ltd. under the Agreement and from other revenues and income realized under the Agreement, or as otherwise provided

in the above described Indenture. The Bond shall never constitute a general obligation of, an indebtedness of, or a charge against the general credit of the City of Fort Wayne.

Section 4. The Mayor and the City Clerk are authorized and directed to sell the Bond to the Trustee, as the original purchaser thereof at a rate of interest not to exceed 8-3/4% per annum and at a price of 100% of the principal amount thereof. The Bond shall be scheduled to mature in monthly installments over a period of twenty years, as more specifically set forth in the Bond. Payments of principal of, premium, if any, and interest on the Bond shall be made in the manner and on the dates prescribed in the bond and in the Agreement.

Section 5. The Mayor and the City Clerk be and they are hereby authorized and directed to execute the documents constituting the Financing Agreement approved herein on behalf of the City of Fort Wayne and any other document which may be necessary or desirable to consummate the transaction including, without implied limitation, the Bond authorized herein and financing statements to be utilized in connection with the perfection of security agreements. The forms of the documents constituting the Financing Agreement shall be subject to such changes as are not inconsistent with this Ordinance and as may be approved by the officers executing the same, which approval shall be conclusively evidenced by the execution of such documents by the Mayor and/or the City Clerk. The signatures of the Mayor and the City Clerk on the Bond and coupons, if any, may be facsimile signatures. The City Clerk is authorized to arrange for delivery of the Bond to the Trustee against payment therefor by such Trustee.

Section 6. At the time of issuance, delivery and payment for the Bond, the Bond Fund Payment (as defined in the Indenture) shall be deposited from the purchase price for the Bond into the Bond Fund (as hereinafter defined).

There is hereby created by the City of Fort Wayne and ordered maintained as a separate deposit account (except when invested as hereinafter provided) in the custody of the Trustee a trust fund to designated "City of Fort Wayne - Real Estate Development, Ltd. Construction Fund" (herein called the Construction Fund"). After deducting the Bond Fund Payment required by the proceeding paragraph to be paid otherwise than to the Construction Fund, the balance of the proceeds of the Bond shall be deposited in the Construction fund as the Loan to the Company provided for in the Agreement. Moneys in the Construction Fund shall be disbursed by the Trustee in accordance with the provisions of the Agreement, and the Trustee is hereby authorized and directed to issue its check for each disbursement required by the provisions of the Agreement. The City of Fort Wayne covenants and agrees promptly to take whatever action, if any, is necessary in approving and ordering all such disbursements.

The moneys to the credit of the Construction Fund shall, pending

application thereof as above set forth, be subject to a lien and charge in favor of the Trustee as the original purchaser of the Bond, but only to the extent of its interest herein.

Section 7. As provided in the Agreement, payments sufficient in time and amount to pay the Bond service charges as they come due, are to be paid by the Company directly to the Trustee for the account of the City of Fort Wayne and deposited in the Bond Fund. Under the provisions of the Agreement, payments with respect to the promissory note delivered by the Company to the City of Fort Wayne and assigned to the Trustee (the "Note") shall be deposited into the Bond Fund for the account of the City of Fort Wayne and shall constitute Loan Payments. Rentals paid by the Prime Lessee and other lessees are to be paid directly to the Trustee and, to the extent necessary, shall be deposited in the Bond Fund, constituting a credit to the Company against Loan Payments to be made by it.

There is hereby created by the City of Fort Wayne and ordered maintained, as a separate deposit account (except when invested as hereinafter provided) in the custody of the Trustee, a trust fund to be designated "City of Fort Wayne - Real Estate Development, Ltd. Revenue Bond Fund" (herein called the "Bond Fund"). The Bond Fund (and accounts therein provided for in the Indenture or in the Agreement) and the moneys and investments therein are hereby pledged to and shall be used solely and exclusively for the payment of Bond service charges as they fall due at stated maturity or by redemption or pursuant to any mandatory sinking fund requirements, all as provided herein and in the Indenture and the Agreement, provided that no part thereof (other than any amounts paid as and for any mandatory sinking fund requirements, and except as may otherwise be provided for herein and in the Indenture or the Agreement) shall be used to redeem, prior to maturity, and Bonds.

There shall be deposited into the Bond Fund (and credited, if required by the Indenture or the Agreement, to appropriate accounts therein), as and when received, (a) all Loan Payments and (b) all other Pledged Receipts, except those amounts required by the Indenture or the Agreement to be deposited in the Construction Fund or any other separate insurance or condemnation proceeds account.

The City of Fort Wayne hereby covenants and agrees that so long as any of the Bonds are outstanding it will deposit, or cause to be deposited, in the Bond Fund Pledged Receipts sufficient in time and amount to pay the Bond service charges as the same become due and payable, and to this end the City of Fort Wayne covenants and agrees that, so long as any Bonds are outstanding, it will diligently and promptly proceed in good faith and use its best efforts to enforce the Agreement, and that, should there be an event of default under the Agreement, the City of Fort Wayne shall fully cooperate with the Trustee to protect fully the

rights and security of the Bondholders hereunder. Nothing herein shall be construed as requiring the City of Fort Wayne to use or apply to the payment of Bond service charges any funds or revenues from any source other than Pledged Receipts.

The City of Fort Wayne covenants and agrees, whenever the moneys and investments in the Bond Fund (or otherwise held by the Trustee for such purpose) are sufficient in amount to redeem all of the Bonds then outstanding and to pay interest to accrue thereon to the date or dates of such redemption, to take and cause to be taken, at the direction of the Company, the necessary steps to redeem all of said Bonds on the next succeeding redemption date or dates for which the required notice of call for redemption may be given.

Section 8. At the request of the Company and with the written consent of the Trustee, if the Company is not then in default under the Agreement, the City of Fort Wayne, to the extent permitted by law (including the Act) then in effect and for purposes consistent with the Act (as defined in the Indenture), shall use its best efforts to issue Additional Bonds from time to time to provide loans to the Company for: (i) completion of the Project, including additional costs incurred in providing the Project, or (ii) the acquisition for the Project of additional real estate or interests therein, or repairs to the Project of a major nature arising from casualty or unanticipated conditions, or (iii) the acquisition, construction and installation of additional economic development facilities to be used in connection with the Project and to be located on the site of the Project, or to be used in connection with other facilities located within the boundaries of the City of Fort Wayne which are owned in whole or in part by the Company, or any combination thereof, or (iv) refunding the Bond or any one or more series of Additional Bonds, or (b) any combination of the foregoing; provided, that the proceeds of any Additional Bonds shall, except to the extent issued for the purpose described in clause (iv), be used solely to pay permissible costs under the Act. Such Additional Bonds shall be on a parity with the Bond and any Additional Bonds theretofore or thereafter issued. Before any Additional Bonds are authenticated there shall be delivered to the Trustee the items required by Section 2.08 of the Indenture and (a) any necessary amendment of the Agreement to provide for increased Loan Payments so that the aggregate of the Loan Payments thereafter payable under the Agreement shall be sufficient in amount to make all required payments into the Bond Fund in order to pay when due Bond service charges on all Bonds then to be outstanding, and for all Additional Payments (as defined in the Agreement) by the Company under the provisions of the Agreement and the Bond Legislation, and (b) either the opinion of nationally recognized bond counsel or a ruling of the Internal Revenue Service of the United States Department of Treasury that the issuance of such series of Additional Bonds will not adversely affect the exemption from Federal income taxation of the interest paid or payable on any outstanding Bonds.

Section 9. The City of Fort Wayne will restrict the use of the proceeds of the Bond in such manner and to such extent, if any as may be necessary, after taking into account reasonable expectation at the time the Bond are delivered to the Trustee, so that it will not constitute an "arbitrage bond" under Section 103(c) of the Internal Revenue Code of 1954, as amended. The Mayor or any other officer having responsibility with respect to the issuance of the Bond, is authorized and directed, alone or in conjunction with any of the foregoing or with any other officer employee, consultant or agent of the Common Council of the City of Fort Wayne, or any officer of the Company, and upon receipt of satisfactory indemnities, to give an appropriate certificate on behalf of the City of Fort Wayne, for inclusion in the transcript of proceedings for the Bond, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to said Section 103(c).

Section 10. The City of Fort Wayne hereby elects, with respect to the Bond, to be within the limitations imposed by the provisions of Section 103(b) (6) (D) of the Code and the Mayor or Clerk of the City of Fort Wayne is hereby authorized and directed to perform any and all acts provide such information as may be required by the Secretary of the Treasury, his delegate or the Internal Revenue Service in order to implement such election, and any and all acts hereto fore taken pertaining to such election and relating to such requirements are hereby ratified and confirmed .

Section 11. The provisions of this Ordinance, the Agreement and the Indenture securing the Bond shall constitute a contract between the City of Fort Wayne and the Trustee, and after the issuance of the Bond, this Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of such Trustee so long as any portion of the Bond or the interest thereon remains unpaid.

Section 12. The actions of the Mayor or any other officer of the City in doing any and all acts necessary in connection with the construction and equipping of the Project and the issuance of the Bond are hereby ratified and confirmed.

Section 13. The proper officers, agents and employees of the City are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary in connection with the construction and equipping of the Project and the issuance of the Bond.

Section 14. All Ordinances or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 15. It is hereby found and determined that all official actions of this Common Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Common Council, and that

resulted in such official action were taken in meetings open to the public in full compliance with applicable legal requirements, including I.C. 5-14-1.5-7.

Section 16. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico

Nays: None

Date: 10-9-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-175-79 on the 9th day of October, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of October, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of October, 1979, at the hour of 10:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. R-79-10-03

RESOLUTION NO. R-58-79

A RESOLUTION finding, determining and ratifying an inducement resolution of the Fort Wayne Economic Development Commission authorizing the issuance and sale of \$800,000 Economic Revenue Bonds of the City of Fort Wayne, Indiana, for the purpose of inducing the Applicant to proceed with the acquisition, construction and equipping of the Project

WHEREAS, the City of Fort Wayne, Indiana (the "Issuer") is authorized by I.C. 18-6-4.5 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities either directly or by loan to a company and said facilities to be either directly owned by a company or leased to a company or sold to a company; and

WHEREAS, The Classic Company, Inc. (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer acquire, construct and equip an economic development facility and sell or lease the same to the Applicant or that the Issuer loan the proceeds of such a financing to the Applicant for such purposes said economic development facility to be used for the distribution of bowling supplies, trophies and lettering, located in Allen County, Oakbrook Park, Southwest end of Racquet Drive on approximately 4.71 acres (the "Project"); and

WHEREAS, the Classic Company, Inc. will guarantee all bond payments; and

WHEREAS, the diversification of industry and increase in 25-30 job opportunities with an estimated annual payroll of \$250,000-\$300,000 to be achieved by the acquisition, construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse competitive effect on any similar facility already constructed or

operating in or about Fort Wayne, Indiana;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of Fort Wayne:

1. The Common Council finds, determines, ratifies and confirms that the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.
2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$800,000 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of the Project to the Applicant or the loaning of the proceeds of such a financing to the Applicant for such purposes will serve the public purposes referred to above, in accordance with the Act.
3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.
4. All costs of the Project incurred after the passage of this inducement resolution, including reimbursement or repayment to the Applicant of moneys expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond

counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt,
V. Schmidt, Stier, Talarico

Nays: None

Date: 10-9-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-58-79 on the 9th day of October, 1979.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of October, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of October, 1979, at the hour of 10:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. R-79-10-04

RESOLUTION NO. R-59-79

A RESOLUTION authorizing payment to
Allen County Motors, Inc. for repair
of police vehicle No. 14 and to Sand
B. Auto Parts for purchase of a
replacement for a stolen generator

WHEREAS, Police Department vehicle No. 14, a 1978 Ford Sedan, bearing License Plate No. M011114, was damaged in an accident, and insurance money in the amount of \$1,793.86 in reimbursement for such damages has been received and receipted by the City Controller, and

WHEREAS, a Street Department power generator was stolen from the garage, and insurance money in the amount of \$557.00 for replacement of said generator has been received and receipted by the City Controller.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the City Controller is hereby authorized to make the following payments:

(1) To Allen County Motors, Inc., the sum of \$1,793.86 for repair to Police vehicle No. 14

(2) To Sand B. Auto Parts, the sum of \$557.00 for the purchase of a power generator to replace the one stolen from said Street Department garage.

SECTION 2. That this Resolution shall be effective from and after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt,
V. Schmidt, Stier, Talarico

Nays: None

Date: 10-9-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-59-79 on the 9th day of October, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of October, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of October, 1979, at the hour of 10:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. R-79-10-05

RESOLUTION NO. R-60-79

A RESOLUTION authorizing an appeal from
the budget and tax rates and levies fixed by
Allen County Tax Adjustment Board

WHEREAS, the Allen County Tax Adjustment Board has reduced the budget of the City of Fort Wayne, Indiana in a manner contrary to the laws of the State of Indiana and in such way as to render it impossible to carry out the governmental functions and responsibilities committed to it by law.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL
OF THE CITY OF FORT WAYNE, INDIANA:

That the appropriate officers of said City are authorized and directed to take all steps necessary to present an appeal from the budget and tax rates and levies fixed by said Allen County Tax Adjustment Board to the Indiana State Board of Tax Commissioners with a view towards reinstatement of the tax rates and levies not exceeding the 1980 limit.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt,
V. Schmidt, Stier, Talarico

Nays: None

Date: 10-9-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-60-79 on the 9th day of October, 1979.

ATTEST: (SEAL)

Charles W. Westerman Winfield C. Moses, Jr.
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of October, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of October, 1979, at the hour of 10:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. R-79-10-16 (as amended)

RESOLUTION NO. R-63-79

A RESOLUTION IN SUPPORT OF PETITION
TO AMEND RULES GOVERNING TERMINATION
OF SERVICE BY GAS AND ELECTRIC
UTILITIES SUBJECT TO PUBLIC SERVICE
COMMISSION OF INDIANA JURISDICTION
AND TO AMEND OTHER RELATED RULES
GOVERNING SUCH ISSUES AS NOTICE TO
CUSTOMERS OF TERMINATION RIGHTS AND
OF APPEAL RIGHTS AND TO PROVIDE FOR
THE PERIOD PERSONS HAVE TO PAY THEIR
UTILITY BILLS BEFORE SUCH BILLS BECOME
DELINQUENT

WHEREAS, Citizens Action Coalition along with one hundred fifteen (115) other organizations throughout the State and other Common Councils have supported a Petition to the Public Service Commission of Indiana regarding changes in rules by said Public Service Commission of Indiana governing the termination of service by gas and electric utilities subject to Commission jurisdiction; and,

WHEREAS, said above mentioned organizations also seek by Petition to amend other related rules governing such issues as notice to customers of termination rights, of appeal rights, and the periods persons have to pay their utility bills before such bills become delinquent; and,

WHEREAS, the public interest requires the protection of the following proposed rule changes and addition to rules will provide, particularly during the coldest months or days of the year during which time service terminations are particularly dangerous to health, particularly to the elderly and the handicapped; and,

WHEREAS, the Public Utility Regulatory Practices Act of 1978 gives clear direction to the Public Service Commission of Indiana on termination policy and the terms of the Act require that the Public Service Commission hold full hearings on questions of service terminations and information that is provided to utility customers in order to determine what needs there are in these matters that are not being adequately met by existing rules and regulations.

NOW THEREFORE BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE:

Said petitioners request that a rule making procedure be initiated in the above matter, that full public hearings be held in Indianapolis or other locations in the State that the Public Service Commission may consider to be appropriate, in order to ascertain the need for changes in electric and

gas utility rules and further that the Commission incorporate the following proposals into the official rules and regulations of the Commission:

A. Because most elderly and handicapped persons and others on various forms of Public Assistance, receive their checks monthly, the Commission should increase from 17 to 30 the number of days from the time a bill is mailed until the time it becomes delinquent, and should increase from 7 to 15 the number of days from the time that a notice of delinquency is mailed until the time that a disconnection can be made.

B. Disconnections of residential gas and electric customers should be prohibited on days when the temperature drops below freezing (32° F.) or during days when the average temperature for the proceeding 7 days has been below freezing.

C. Utilities should be required to send separate notices to delinquent customers, in a standard form prescribed by the Commission, which notify them of impending disconnection in simple, easily understood language, which include an explicit explanation in common language of customers rights for medical and financial hardship delays of disconnection and of a customer's appeal rights, and which notify customers of appropriate social service or assistance agencies to whom they can apply for energy assistance funds.

D. The person designated by the utility to perform the disconnection should make every attempt to make personal contact with the consumer prior to disconnection and may be authorized to accept payment of delinquent accounts as an alternative to disconnection.

That the Public Service Commission of Indiana:

(1) Amend its rules regarding termination of service by electric and gas utilities to reflect the proposals made in this petition, forthwith.

(2) Hold Public Hearings in Indianapolis and such other cities as the Commission deems appropriate to take evidence and testimony from utility consumers, utility representatives, and other interested parties relative to the

subjects of the adequacy of the Commissions existing rules, the adequacy of existing utility practices pursuant to those rules, and the needs for possible changes, no later than three weeks after the appropriate notice period of this matter in the Indiana Register.

(3) Grant other such further relief as the Commission may deem just and proper.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt,
V. Schmidt, Stier, Talarico

Nays: None

Date: 10-9-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-63-79 on the 9th day of October, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of October, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 18th day of October, 1979, at the hour of 10:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. Z-79-08-19

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance amending the City of Fort Wayne Zoning Map No. M-3 have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS

John Nuckols
Samuel J. Talarico
Vivian G. Schmidt
James S. Stier
William T. Hinga

Concurred in 10-9-79

Charles W. Westerman
City Clerk

BILL NO. Z-79-08-19

ZONING MAP ORDINANCE NO. Z-24-79

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. N-3

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a R-1 District under the terms of Chapter 33, Municipal Code of the City of Fort Wayne, Indiana, 1974; and the symbols of the City of Fort Wayne Zoning Map No. M-3, referred to therein, established by Section 33-11, of said Chapter are hereby changed accordingly, to wit:

Williams Woodland Park Block 1, Lots 1 - 22, as Amended
Williams Woodland Park Block 2, Lots 1 - 22, as Amended
Williams Woodland Park Block 3, Lots 12 - 22, as Amended
William Addition, Lots 214 - 230

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Nuckols, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt,
V. Schmidt, Stier, Talarico

Nays: None

Date: 10-9-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-24-79 on the 9th day of October, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of October, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of October, 1979, at the hour of 10:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. Z-79-08-46

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance amending the City of Fort Wayne Zoning Map No. Q-10 have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS

John Nuckols
Samuel J. Talarico
Vivian G. Schmidt
William T. Hinga

Concurred in 10-9-79

Charles W. Westerman
City Clerk

BILL NO. Z-79-08-46

ZONING MAP ORDINANCE NO. Z-25-79

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. Q-10

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated
a R3 District under the terms of Chapter 33, Municipal Code of the City of
Fort Wayne, Indiana, 1974; and the symbols of the City of Fort Wayne Zoning
Map No. Q-10, referred to therein, established by Section 33-11, of said Chapter
are hereby changed accordingly, to wit:

Lots #51, #52, #53, #54, and Lots #191, #192, #193,
#194, #196, #196, #197, #198, #199, #200, #201, #202,
White Oak Park, Adams Township.

SECTION 2. That this Ordinance shall be in full force and effect
from and after its passage, approval by the Mayor and legal publication thereof.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Nuckols, seconded by
Hinga and duly adopted, placed on its passage. Passed by the following
vote:

Ayes: Nine

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt,
V. Schmidt, Stier, Talarico

Nays: None

Date: 10-9-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne,

Indiana as Zoning Map Ordinance No. Z-25-79 on the 9th day of October, 1979.

ATTEST: (SEAL)

Charles W. Westerman Winfield C. Moses, Jr.
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of October, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of October, 1979, at the hour of 10:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. Z-79-07-08

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance amending the City of Fort Wayne Zoning Map No. Q-14 have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance BE WITHDRAWN

John Nuckols
Samuel J. Talarico
Vivian G. Schmidt
James S. Stier
William T. Hinga

Concurred in 10-9-79

Charles W. Westerman
City Clerk

BILL NO. Z-79-08-44

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance amending the City of Fort Wayne Zoning Map No. 0-27 have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO NOT PASS

John Nuckols
Samuel J. Talarico
Vivian G. Schmidt
James S. Stier
William T. Hinga

Concurred in 10-9-79

Charles W. Westerman
City Clerk

BILL NO. Z-79-08-44

ZONING MAP ORDINANCE NO. Z-LOST

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. 0-27

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B3B District under the terms of Chapter 33, Municipal Code of the City of Fort Wayne, Indiana, 1974; and the symbols of the City of Fort Wayne Zoning Map No. 0-27, referred to therein, established by Section 33-11, of said Chapter are hereby changed accordingly, to wit:

Part of the Northwest 1/4 of the Southeast 1/4 of
Section 25, Township 30 North, Range 12 East, in
Allen County, Indiana, more particularly described
as follows:

Commencing on the North line of said Quarter Section
at a point situated 305 feet West of the Northeast
corner of the West Half of said Quarter Section;
thence South 154.4 feet to a point which is 293.98

feet West of the East line of said Quarter Section; thence Southwestward a distance of 247.1 feet to a point on the centerline of the public highway known as the Decatur Road; thence Northwestwardly along the centerline of the Decatur Road to the North line of said Quarter Section; thence East along said North line to the place of beginning.

Part of the Northwest 1/4 of the Southeast 1/4 of Section 25, Township 30 North, Range 12 East, in Allen County, Indiana, more particularly described as follows:

Commencing at the Northeast corner of said Northwest 1/4; thence South along the East line of said Quarter Section a distance of 610 feet; thence Southwesterly a distance of 286.3 feet to the centerline of the public highway known as the Decatur Road; thence Northwesterly along the centerline of said Decatur Road a distance of 600 feet; thence Northeastward a distance of 247.1 feet to a point situated 154.4 feet South of the North line of said tract and 293.8 feet West of the East line thereof; thence North 154.4 feet to the North line of said Quarter Section; thence East along said North line to the place of beginning.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Nuckols, seconded by Hinga and duly adopted, placed on its passage. ~~LOSE~~ by the following vote:

Ayes: None

Nays: Nine

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt,
V. Schmidt, Stier, Talarico

Date: 10-9-79

Charles W. Westerman
City Clerk

BILL NO. G-79-07-31

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance amending General Ordinance No. G-97 by authorizing the vacation of a certain alley west of Dubois Street have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS

John Nuckols
Samuel J. Talarico
Vivian G. Schmidt
James S. Stier
William T. Hinga

Concurred in 10-9-79

Charles W. Westerman
City Clerk

BILL NO. G-79-07-31

GENERAL ORDINANCE NO. G-22-79

AN ORDINANCE amending General Ordinance
No. G-97 by authorizing the vacation of
a certain alley west of Dubois Street

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
WAYNE, INDIANA:

SECTION 1. Petition for the vacation of a certain alley having been filed with the Fort Wayne City Plan Commission in accordance with Section 44, Chapter 174, of the Acts of the General Assembly of the State of Indiana, as amended by Section 3, Chapter 385, of the Acts of 1963 of the General Assembly of the State of Indiana (I.C. 18-7-5-46), the Thoroughfare Plan as set forth in General Ordinance No. G-97 adopted by the Common Council of the City of Fort Wayne on November 26, 1963, is amended by deleting the following alley, to wit:

An existing alley 18 feet in width and 133 feet in length, located west of DuBois Street, south of Pennsylvania Street and east of the alleyway between Wabash Avenue and DuBois Street in the City of Fort Wayne, Indiana, as opened by Dedication dated April 5, 1932 recorded July 23, 1934 in Miscellaneous Record 90, page 385 which said alley is more particularly

described as follows, to-wit:

Commencing at a point 18 feet south of the northeast corner of Lot No. 42 in Whites Second Addition, thence north 18 feet to the northeast corner thereof, thence west along the north lot line of said Lot No. 42, a distance of 133 feet to the northwest corner thereof, thence south a distance of 18 feet, thence east along a line parallel to the north lot line of said Lot No. 42 to the place of beginning, being on the north 18 feet of what has formerly been Lot No. 42 in Whites Second addition.

SECTION 2. After passage of this Ordinance, approval by the Mayor and legal publication, a duly certified copy of this Ordinance, of the recommendation of the Fort Wayne City Plan Commission, and of the action of the Mayor, shall be transmitted by the City Clerk to the Board of Public Works of the City of Fort Wayne, Indiana.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Nuckols, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt,
V. Schmidt, Stier, Talarico
Nays: None

Date: 10-9-79 Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-22-79 on the 9th day of October, 1979.

ATTEST: (SEAL)

Charles W. Westerman Winfield C. Moses, Jr.
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of October, 1979, at the hour of 11:30 o'clock A.M.,E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of October, 1979, at the hour of 10:00 o'clock A.M.,E.S.T.

Robert E. Armstrong
Mayor

BILL NO. S-79-09-18

REPORT OF THE COMMITTEE ON PUBLIC WORKS

We, your Committee on Public Works to whom was referred an Ordinance approving a contract for Street Improvement Resolution No. 5850-79, between the City of Fort Wayne, Indiana and Dailey Asphalt Products Co., Inc., for Clinton, Calhoun, Spy Run Ext. and Wayne Streets have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS

William T. Hinga
Paul M. Burns
Fredrick R. Hunter
Donald J. Schmidt
James S. Stier

Concurred in 10-9-79

Charles W. Westerman
City Clerk

BILL NO. S-79-09-18

SPECIAL ORDINANCE NO. S-176-79

AN ORDINANCE approving a contract for Street Improvement Resolution No. 5850-79, between the City of Fort Wayne, Indiana and Dailey Asphalt Projects Co., Inc., Clinton, Calhoun, Spy Run Ext. and Wayne Streets

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract, dated September 17, 1979, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and Dailey Asphalt Products Company, Inc., Contractor, for:

resurfacing Clinton Street from the northwest property line of Parkhill Avenue to the south curb line of Coliseum Blvd; Calhoun Street from the north curb line of Superior Street to the west curb line of Clinton Street; Spy Run Extended from the east property line of Clinton Street to the west property line of Parnell Avenue; and Wayne Street from the east curb line of Calhoun Street to the west curb line of Lafayette Street,

under Board of Works Street Improvement Resolution No. 5850-79, at a total cost of \$241,838.00, all as more particularly set forth in said Contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

William T. Hinga
Councilman

Read the third time in full and on motion by Hinga, seconded by Nuckols and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt,
V. Schmidt, Stier, Talarico

Nays: None

Date: 10-9-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-176-79 on the 9th day of October, 1979.

ATTEST:

(SEAL)

Charles W. Westerman Winfield C. Moses, Jr.
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of October, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of October, 1979, at the hour of 10:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. S-79-09-19

REPORT OF THE COMMITTEE ON PUBLIC WORKS

We, your Committee on Public Works to whom was referred an Ordinance approving a contract for Street Improvement Resolution No. 5849-79, between the City of Fort Wayne, Indiana, and Dailey Asphalt Products Company, Inc., for Oxford Street, Main Street and Bluffton Road have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS

William T. Hinga
Paul M. Burns
Fredrick R. Hunter
Donald J. Schmidt
James S. Stier

Concurred in 10-9-79

Charles W. Westerman
City Clerk

BILL NO. S-79-09-19

SPECIAL ORDINANCE NO. S-177-79

AN ORDINANCE approving a contract for
Street Improvement Resolution No.

5849-79, between the City of Fort Wayne,
Indiana, and Dailey Asphalt Products
Company, Inc., for Oxford Street, Main
Street and Bluffton Road

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA:

SECTION 1. That a certain contract, dated September 17, 1979,
between the City of Fort Wayne, Indiana, by and through its Mayor and the
Board of Public Works, and Dailey Asphalt Products Company, Inc., Contractor,
for:

resurfacing and restoring pavement on Oxford Street, from
the east pavement line of Hessen Cassel to the east pave-
ment line of Bueter Drive; Main Street, from the east
property line of Van Buren Street to the east property
line of Edgerton Street; and Bluffton Road, from the
south pavement line of Engle Road to the southwest
pavement line of Old Trail Road,

under Board of Public Works Street Improvement Resolution NO. 5849-79,
at a total cost of \$319,634.00, all as more particularly set forth in said Contract
which is on file in the Office of the Board of Public Works and is by
reference incorporated herein, made a part hereof and is hereby in all things
ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect
from and after its passage and approval by the Mayor.

William T. Hinga
Councilman

Read the third time in full and on motion by Hinga, seconded by
Nuckols and duly adopted, placed on its passage. Passed by the following
vote:

Ayes: Nine

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt,
V. Schmidt, Stier, Talarico

Nays: None

Date: 10-9-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana as Special Ordinance No. S-177-79 on the 9th day of October, 1979.

ATTEST: (SEAL)

Charles W. Westerman Winfield C. Moses, Jr.
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of October, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of October, 1979, at the hour of 10:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. S-79-09-20

REPORT OF THE COMMITTEE ON PUBLIC WORKS

We, your Committee on Public Works to whom was referred an Ordinance approving a contract for Street Improvement Resolution No. 5848-79, between the City of Fort Wayne, Indiana and Fen-Guard, Inc., for Industrial Road have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS

William T. Hinga
Paul M. Burns
Fredrick R. Hunter
Donald J. Schmidt
James S. Stier

Concurred in 10-9-79

Charles W. Westerman
City Clerk

BILL NO. S-79-09-20

SPECIAL ORDINANCE NO. S-178-79

AN ORDINANCE approving a contract for
Street Improvement Resolution No.
5848-79, between the City of Fort Wayne,
Indiana and Fen-Guard, Inc., for
Industrial Road

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA:

SECTION 1. That a certain contract, dated September 17, 1979,
between the City of Fort Wayne, Indiana, by and through its Mayor and the
Board of Public Works, and Fen-Guard, Inc., Contractor, for:

installation of a Guardrail in the 5700 Block of
Industrial Road,

under Board of Public Works Street Improvement Resolution No. 5848-79,
at a total cost of \$16,582.50, all as more particularly set forth in said Contract
which is on file in the Office of the Board of Public Works and is by
reference incorporated herein, made a part hereof and is hereby in all things
ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect
from and after its passage and approval by the Mayor.

William T. Hinga
Councilman

Read the third time in full and on motion by Hinga, seconded by
Nuckols and duly adopted, placed on its passage. Passed by the following
vote:

Ayes: Nine

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt,
V. Schmidt, Stier, Talarico

Nays: None

Date: 10-9-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-178-79 on the 9th day of October, 1979.

ATTEST: (SEAL)

Charles W. Westerman Winfield C. Moses, Jr.
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of October, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of October, 1979, at the hour of 10:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. S-79-09-21

REPORT OF THE COMMITTEE ON PUBLIC WORKS

We, your Committee on Public Works to whom was referred an Ordinance approving a contract for Sidewalk Improvement Resolution No. 5842-79 between the City of Fort Wayne, Indiana and L.W. Dailey, Inc., for Edgehill Avenue, Westbrook Drive and Jacobs Avenue have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS

William T. Hinga
Paul M. Burns
Fredrick R. Hunter
Donald J. Schmidt
James S. Stier

Concurred in 10-9-79

Charles W. Westerman
City Clerk

BILL NO. S-79-09-21

SPECIAL ORDINANCE NO. S-179-79

AN ORDINANCE approving a contract for
Sidewalk Improvement Resolution No.
5842-79, between the City of Fort Wayne,
Indiana and L.W. Dailey, Inc., for Edgehill
Avenue, Westbrook Drive and Jacobs Avenue

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA:

SECTION 1. That a certain contract, dated September 17, 1979,
between the City of Fort Wayne, Indiana, by and through its Mayor and the
Board of Public Works, and L.S. Dailey, Inc., Contractor, for:

construction of sidewalks, curbs and drive approaches
along Edgehill Avenue, Westbrook Drive and Jacobs
Avenue, more specifically identified as Lots 158
through Lot 189 in Brookview Addition,

under Board of Public Works Sidewalk Improvement Resolution No. 5842-79,
at a total cost of \$44,940.00, of which will be paid by property owners under
Barrett Law, all as more particularly set forth in said Contract which is on
file in the Office of the Board of Public Works and is by reference incorporated
herein, made a part hereof and is hereby in all things ratified, confirmed and
approved.

SECTION 2. That this Ordinance shall be in full force and effect
from and after its passage and approval by the Mayor.

William T. Hinga
Councilman

Read the third time in full and on motion by Hinga, seconded by
Nuckols and duly adopted, placed on its passage. Passed by the following
vote:

Ayes: Nine

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt,
V. Schmidt, Stier, Talarico

Nays: None

Date: 10-9-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-179-79 on the 9th day of October, 1979.

ATTEST:

(SEAL)

Charles W. Westerman Winfield C. Moses, Jr.
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of October, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of October, 1979, at the hour of 10:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. S-79-09-22

REPORT OF THE COMMITTEE ON CITY UTILITIES

We, your Committee on City Utilities to whom was referred an Ordinance approving Change Order No. 1, Street Lighting Resolution No. 125-77 in connection with Central Business District have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS

Paul M. Burns
Samuel J. Talarico
Vivian G. Schmidt
James S. Stier

Concurred in 10-9-79

Charles W. Westerman
City Clerk

BILL NO. S-79-09-22

SPECIAL ORDINANCE NO. S-180-79

AN ORDINANCE approving Change Order
No. 1, Street Lighting Resolution No.
125-77 in connection with Central Business
District

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1, Street Lighting Resolution
No. 125-77, to T & F Construction Corporation, in connection with the Central
Business District Project, E.D.A. 06-51-26289, for:

additional street lighting and signalizations on
Washington, Jefferson and Wayne Streets since
bid was such that total Federal Grant permitted
additional lighting for above-described area,

in the amount of \$115,075.43, as set out in the specifications, is hereby in all
things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect
from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by
V. Schmidt and duly adopted, placed on its passage. Passed by the following
vote:

Ayes: Nine

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt,
V. Schmidt, Stier, Talarico

Nays: None

Date: 10-9-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana as Special Ordinance No. S-180-79 on the 9th day of October, 1979.

ATTEST:

(SEAL)

Charles W. Westerman Winfield C. Moses, Jr.
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the 10th day of October, 1979, at the hour of 11:30 o'clock A.M.,E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of October, 1979, at the hour
of 10:00 o'clock A.M.,E.S.T.

Robert E. Armstrong
Mayor

BILL NO. S-79-09-23

REPORT OF THE COMMITTEE ON CITY UTILITIES

We, your Committee on City Utilities to whom was referred
an Ordinance approving a contract for Sewer Improvement Resolution No.
307-79, between the City of Fort Wayne, Indiana and T-G Excavating, Inc.,
Contractor for Ranchwood Subdivision, Phase I have had said Ordinance
under consideration and beg leave to report back to the Common Council
that said Ordinance DO PASS

Paul M. Burns
Samuel J. Talarico
Vivian G. Schmidt
Donald J. Schmidt
James S. Stier

Concurred in 10-9-79

Charles W. Westerman
City Clerk

BILL NO. S-79-09-23

SPECIAL ORDINANCE NO. S-181-79

AN ORDINANCE approving a contract for
Sewer Improvement Resolution No. 307-79,
between the City of Fort Wayne, Indiana
and T-G Excavating, Inc., Contractor for
Ranchwood Subdivision, Phase I

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
WAYNE, INDIANA:

SECTION 1. That a certain contract, dated September 17, 1979,
between the City of Fort Wayne, Indiana, by and through its Mayor and the
Board of Public Works, and T-G Excavating, Inc., Contractor, for installation of the
following:

MAIN LINE

Beginning at an existing manhole located 10 + L.F.
South of the Northeast corner of lot 4 in Gerke's
Tier Road Addition as recorded in Plat Book 8,
page 157; thence East 275 + L.F. to a proposed man-
hole; thence North 410 + L.F. to a proposed manhole;
thence East 630 + L.F. along the South right-of-way
line of South Drive to a proposed manhole; thence
East 610 + L.F. terminating at a proposed manhole
located 10 + L.F. East of the Northeast corner of
lot 93 in Greendale Addition, Section B as recorded
in Plat Book 21, page 128.

LATERAL #1

Beginning at a proposed manhole located 7 + L.F.
East of and 7 + L.F. South of the Northwest corner
of lot 57 in Greendale Addition as recorded in Plat
Book 21, page 112; thence North 1120 + L.F. along
vacated Bueter Road to a proposed manhole; then East
1200 + L.F. along the North right-of-way line of North
Drive terminating at a proposed manhole located 10 +
L.F. East of the Southwest corner of lot 81 in Greendale
Addition, Section B, as recorded in Plat Book 21, page 128.

LATERAL #2

Beginning at a proposed manhole located $30 \pm$ L.F. East of and $7 \pm$ L.F. South of the Northwest corner of lot 53 in Greendale Addition as recorded in Plat Book 21, page 112; thence North $970 \pm$ L.F. along the centerline of an existing utility easement terminating at a proposed manhole located $10 \pm$ L.F. north of the Southwest corner of lot 42 in Greendale Addition as recorded by Plat Book 21, page 112.

LATERAL #3

Beginning at a proposed manhole located on the Southeast corner of lot 3 in Greendale Addition as recorded by Plat Book 21, page 112; thence North $1010 \pm$ L.F. along the centerline of an existing utility easement terminating at a proposed manhole located $10 \pm$ L.F. North of the Southeast corner of lot 13 in said Greendale Addition.

LATERAL #3-A

Beginning at a proposed manhole located on the Southeast corner of lot 3 in Greendale Addition as recorded by Plat Book 21, page 112; thence South $412 \pm$ L.F. along an existing utility easement terminating at a proposed manhole located on the Southwest corner of lot 63 in Greendale Addition, Section B, as recorded by Plat Book 21, page 128.

LATERAL #3-B

Beginning at the above described terminus manhole of lateral 3-A; thence West $65 \pm$ L.F. along the centerline of an existing utility easement terminating at a proposed cleanout.

LATERAL #3-C

Beginning at the above described terminus manhole of lateral 3-A; thence East $65 \pm$ L.F. along the centerline of an existing utility easement terminating at a proposed cleanout.

LATERAL #4

Beginning at a proposed manhole located 10 + L.F. East of the Northeast corner of lot 93 in Greendale Addition, Section B, as recorded in Plat Book 21, page 128; thence, North 1010 + L.F. along the West right-of-way line of Ellwood Drive terminating at a proposed manhole located 10 + L.F. East of and 10 + L.F. North of the Southeast corner of lot 82 in said Greendale Addition Section B.

LATERAL #4-A

Beginning at the same proposed manhole as lateral 4; thence South 330 + L.F. along the West right-of-way line of Ellwood Drive terminating at a proposed manhole located 10 + L.F. South of the Southeast corner of lot 95 in Greendale Addition. Section B, as recorded by Plat Book 21, page 128.

Said sewer shall be 10" and 8" in diameter.

under Board of Public Works Sewer Improvement Resolution No. 307-79, at a total cost of \$299,904.25, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt,
V. Schmidt, Stier, Talarico

Nays: None

Date: 10-9-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-181-79 on the 9th day of October, 1979.

ATTEST: (SEAL)

Charles W. Westerman	Winfield C. Moses, Jr.
City Clerk	Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of October, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of October, 1979, at the hour of 10:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. S-79-09-24

REPORT OF THE COMMITTEE ON CITY UTILITIES

We, your Committee on City Utilities to whom was referred an Ordinance approving an Agreement with Northwest Allen County Schools for construction of a sanitary sewer have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance
DO PASS

Paul M. Burns
Samuel J. Talarico
Vivian G. Schmidt
Donald J. Schmidt
James S. Stier

Concurred in 10-9-79

Charles W. Westerman
City Clerk

BILL NO. S-79-09-24

SPECIAL ORDINANCE NO. S-182-79

AN ORDINANCE approving an Agreement
with Northwest Allen County Schools for
construction of a sanitary sewer

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
WAYNE, INDIANA:

SECTION 1. That the Agreement dated September 12, 1979, between
the City of Fort Wayne, by and through its Mayor and the Board of Public
Works and Northwest Allen County Schools, Developer, for:

SANITARY SEWER

Beginning at existing manhole #83 of Res. #273, of the
St. Joe Sanitary Interceptor, located 30.5 + L.F. South
of the centerline of Carroll Road and 580 + L.F. East of
the centerline of the G.R. & I. Railroad, thence North
30° 00' West 77 + L.F. to proposed manhole #1 located
35 + L.F. North of the centerline of Carroll Road, thence
West along a line parallel with Carroll Road a distance
of 4431 + L.F. and terminating at proposed manhole #13
located 35 + L.F. North of and 25 + L.F. East of the
centerline intersection of Carroll Road and Bethel Road.

of which the developer shall pay the entire cost and expense of the construction
of said sewer except for \$96,571.00 from City Utilities for oversizing differential,
all as more particularly set forth in said agreement which is on file in the
Office of the Board of Public Works and is by reference incorporated herein,
made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect
from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by
V. Schmidt and duly adopted, placed on its passage. Passed by the following
vote:

Ayes: Nine
Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmidt,
Stier, Talarico

Nays: None

Date: 10-9-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-182-79 on the 9th day of October, 1979.

ATTEST: (SEAL)

Charles W. Westerman Winfield C. Moses, Jr.
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of October, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of October, 1979, at the hour of 10:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. S-79-09-25

REPORT OF THE COMMITTEE ON CITY UTILITIES

We, your Committee on City Utilities to whom was referred an Ordinance approving an Agreement with A. D. Delagrang Construction, Inc., for construction of a sanitary sewer have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS

Paul M. Burns
Samuel J. Talarico
Vivian G. Schmidt
Donald J. Schmidt
James S. Stier

Concurred in 10-9-79

Charles W. Westerman
City Clerk

BILL NO. S-79-09-25

SPECIAL ORDINANCE NO. S-183-79

AN ORDINANCE approving an Agreement
with A.D. Delagrang Construction, Inc.,
for construction of a sanitary sewer

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA:

SECTION 1. That the Agreement dated September 10, 1979, between
the City of Fort Wayne, by and through its Mayor and the Board of Public
Works and A. D. Delagrang Construction, Inc., Developer, for:

SANITARY SEWER

Orchard Woods, Section B

MARKWOOD-TANGERINE LANE

Beginning at an existing manhole located at the northeast
corner of Springbrook Road and Markwood Road; thence
northerly along the east side of Markwood Road a distance
of 315 + feet to a proposed manhole; thence westerly in and
along Tangerine Lane 165 + feet to a proposed manhole; thence
northerly in and along the east side of Tangerine Lane
385 + feet; terminating at a proposed manhole located at the
southwest corner of Lot 87, Orchard Woods, Section B.

LATERAL "A"

Beginning at Manhole #1 located on the aforescribed sewer
on the north side of Apricot Court and in the southwest
corner of Lot 80 in Orchard Woods, Section B; thence
easterly along the north side of Apricot Court a distance of
245 + feet, terminating at a proposed clean-out at the south-
west corner of Lot 76 in Orchard Woods, Section B.

LATERAL "B"

Beginning at a proposed manhole on the aforescribed Lateral
"A" located at the southeast corner of Lot 79 in Orchard
Woods, Section B; thence north in and along a proposed ease-
ment between Lots 78 and 79, a distance of 150 + feet, terminat-
ing at a proposed clean-out located at the northeast corner
of said Lot 79.

LATERAL "C"

Beginning at manhole #2 located on the aforescribed Tangerine Lane sewer located on the east side of Tangerine Lane; thence westerly in and along an easement between lots 67 and 68 and the westerly extension thereof across Lot 6, Clearview Addition a distance of 400 ± feet to a proposed manhole; thence northwesterly in and along a proposed easement across a portion of Lot 5 in Clearview Addition a distance of 180 ± feet terminating at a proposed manhole.

Said sewer shall be eight (8) inches in diameter.

of which the developer shall pay the entire cost and expense of the construction of said sewer, all as more particularly set forth in said agreement which is on file in the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico

Nays: None

Date: 10-9-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-. 183-79 on the 9th day of October, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of October, 1979, at the hour of 11:30 o'clock A.M.,E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of October, 1979, at the hour of 10:00 o'clock A.M.,E.S.T.

Robert E. Armstrong
Mayor

BILL NO. S-79-09-26

REPORT OF THE COMMITTEE ON CITY UTILITIES

We, your Committee on City Utilities to whom was referred an Ordinance approving City Utilities Purchase Order No. 001350 with IBM Corporation for Information Processing System for the Water Engineering Department have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS

Paul M. Burns
Samuel J. Talarico
Vivian G. Schmidt
Donald J. Schmidt
James S. Stier

Concurred in 10-9-79

Charles W. Westerman
City Clerk

BILL NO. S-79-09-26

SPECIAL ORDINANCE NO. S-184-79

AN ORDINANCE approving City Utilities
Purchasing Order No. 001350 with IBM
Corporation for Information Processing
System for the Water Engineering Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order No. 001350, dated September 5, 1979, between the City of Fort Wayne, by and through the City Utilities Purchasing Agent and the Board of Public Works and IBM Corporation for:

One IBM 6/440 Information Processing System for
the Water Engineering Department,

at a cost of \$16,395.00, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmidt,
Stier, Talarico

Nays: None

Date: 10-9-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-184-79 on the 9th day of October, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on

the 10th day of October, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of October, 1979, at the hour of 10:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. R-79-09-15

REPORT OF THE COMMITTEE ON FINANCE

We, your Committee on Finance to whom was referred A RESOLUTION authorizing payment of medical expenses of Keith Daniel Murray, former policemen of the City of Fort Wayne, injured in the line of duty on July 18, 1975 have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS

Vivian G. Schmidt
William T. Hinga
James S. Stier
John Nuckols
Donald J. Schmidt

Concurred in 10-9-79

Charles W. Westerman
City Clerk

BILL NO. R-79-09-15

RESOLUTION NO. R-57-79

A RESOLUTION authorizing payment of medical expenses of Keith Daniel Murray, former policeman of the City of Fort Wayne, injured in the line of duty on July 18, 1975

WHEREAS, Keith Daniel Murray was injured in the line of duty the 18th day of July, 1975, while employed by the City of Fort Wayne as a policeman; and

WHEREAS, his injury in the line of duty was acknowledged by a letter written by the Chief of Police of the City of Fort Wayne the 11th day of May, 1977, a copy of which letter is attached to this Resolution; and

WHEREAS, Keith Daniel Murray was placed on disability retirement status on the 18th day of June, 1977; and

WHEREAS, Indiana Code 19-1-13-1 directs any city which maintains a police department to pay for the care of any policeman who suffers an injury while performing his duty, and to provide for such policeman's medical and surgical care, medicines, laboratory, curative and palliative agents and means, and X-ray, diagnostic and therapeutic service, during the recovery of any such policeman from any injury; and provide hospital and special nursing care for any policeman if the physician or surgeon in charge deems such hospital care and a special nurse necessary, and for the best interest in the aid of the recovery of any such policeman, and

WHEREAS, Indiana Code 19-1-13-2 states any city maintaining a paid police department pay for the medical expenses as set out aforesaid for any policeman injured in the line of duty from the general fund; and

WHEREAS, on the 18th day of July, 1975, and at all times since that date the City of Fort Wayne has maintained a paid police department, and, therefore, governed by the mandates of Indiana Code 19-1-13-1 and 19-1-13-2; and

WHEREAS, the medical insurance in force the 18th day of July, 1975, carried by the City of Fort Wayne, did not pay for all of the medical, pharmaceutical, and hospital expenses incurred by Keith Daniel Murray as a result of his injury the 18th day of July, 1975; and

WHEREAS, as a result of his injuries sustained the 18th day of July, 1975, Keith Daniel Murray is fully disabled and unable to obtain gainful employment and medical insurance; and

WHEREAS, Keith Daniel Murray, in addition to the unpaid medical expenses not otherwise paid by the medical insurance carrier by the City of Fort Wayne, has need for continued medication, doctor's expenses, and immediate need for further hospitalization and surgery; and

WHEREAS, more than one year last past request was made of the Honorable Robert Armstrong to follow the mandates of Indiana Code

19-1-13-1 and 19-1-13-2, without an affirmative reply from either the Mayor or the Legal Department of the City of Fort Wayne; and

WHEREAS, on the 11th day of September, 1979, a letter was delivered to the office of the Mayor requesting written acknowledgement of the obligations of the City of Fort Wayne to pay the medical expenses of Keith Daniel Murray, and further advising the Mayor the intention to introduce a Resolution of this nature, and further informing the Mayor on behalf of Keith Daniel Murray, by his attorney, of his intention to file legal action to enforce the claim of Keith Daniel Murray for payment of his medical expenses, and the Mayor did not reply affirmatively; and

WHEREAS, the legal obligations proposed by the aforesaid statutes as well as the strong moral obligations to Keith Daniel Murray, clearly dictate that his medical care be paid by the City of Fort Wayne.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Controller of the City of Fort Wayne be and is hereby authorized to pay out of the General Fund of the City of Fort Wayne all expenses for medical, medical care, surgical care, medicines, laboratory expenses, X-ray expenses, diagnostic expenses, therapeutic services, pharmaceuticals and drugs, hospital expenses, physician expenses and nursing expenses incurred by Keith Daniel Murray as a result of his injuries sustained in the line of duty the 18th day of July, 1975, which said expenses have not been paid by any medical or hospitalization insurance carried by the City of Fort Wayne the 18th day of July, 1975, which insurance Keith Daniel Murray was a beneficiary.

SECTION 2. That the Controller of the City of Fort Wayne be and is hereby authorized to pay for all future expenses for medical, medical care, surgical care, medicines, laboratory expenses, X-ray expenses, diagnostic expenses, therapeutic services, pharmaceuticals and drugs, hospital expenses, physician expenses and nursing expenses incurred by Keith Daniel Murray as a result of his injuries sustained in the line of duty the 18th day of July, 1975.

SECTION 3. That this Resolution shall be effective upon passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Burns, Hinga, Hunter, Moses, D. Schmidt, V. Schmidt,
Stier, Talarico

Nays: None

Abstained: One
Nuckols

Date: 10-9-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-57-79 on the 9th day of October, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of October, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 19th day of October, 1979, at the hour of 10:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. R-79-10-15

RESOLUTION NO. R-62-79

A RESOLUTION giving the consent of the Common Council of the City of Fort Wayne to the proposed transfer of working control of Fort Wayne Cablevision from Cox Broadcasting Corporation to General Electric Company for the purpose of maintaining Fort Wayne Cablevision as franchisee under the provisions of General Ordinance No. G-27-77

WHEREAS, Citizens Cable of Fort Wayne, Inc. d/b/a Fort Wayne Cablevision is a franchisee operating pursuant to provisions of General Ordinance No. G-27-77; and

WHEREAS, Cox Broadcasting Corporation now owns the controlling stock interest (working control) in Fort Wayne Cablevision; and

WHEREAS, in a proposed transaction such working control would be transferred by Cox Broadcasting Corporation to General Electric Company, which transfer, by the terms of Section III (E) (2) of said Ordinance, requires consent of the Common Council of the City of Fort Wayne; and

WHEREAS, the proposed transfer will involve only a change in the entity having ultimate control of the franchise; and

WHEREAS, such transfer will not result in any change in the franchise itself nor in the management or operation of the cable television system in the City of Fort Wayne; and

WHEREAS, the Council deems General Electric Company more than qualified to assume working control of Fort Wayne Cablevision;

NOW, THEREFORE, BE IT RESOVED THAT:

1. The Common Council finds the goal of high-quality, area-wide cable television service will be best furthered by continuing Fort Wayne Cablevision as franchisee under General Ordinance No. G-27-77.

2. The Common Council finds the continuance of Fort Wayne Cablevision as franchisee under General Ordinance No. G-27-77 requires the consent of the Common Council to the proposed transfer of working control of Fort Wayne Cablevision from Cox Broadcasting Corporation to General Electric.

3. The Common Council finds it is in the best interests of the affected members of the community to consent to such transfer and consent is hereby given to the proposed transfer of Cox Broadcasting Corporation of its interest in Citizens Cable of Fort Wayne, Inc. d/b/a Fort Wayne Cablevision to General Electric Company.

4. It is expressly understood that this consent does not permit Fort Wayne Cablevision to engage in the sale, servicing or repair of television receivers.

William T. Hinga
Councilman

Read the third time in full and on motion by Hinga, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmidt,
Stier, Talarico

Nays: None

Date: 10-9-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-62-79 on the 9th day of October, 1979.

ATTEST: (SEAL)

Charles W. Westerman Winfield C. Moses, Jr.
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of October, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of October, 1979, at the hour of 10:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. X-79-06-33 (AS AMENDED)

REPORT OF THE COMMITTEE ON ANNEXATION

We, your Committee on Annexation to whom was referred an Ordinance annexing certain territory to the City of Fort Wayne, and including the same in Councilmanic District No. 4 effective February 28, 1980 have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS (AS AMENDED)

James S. Stier
William T. Hinga
Vivian G. Schmidt
Samuel J. Talarico

Annexation Committee amended the date from
2/28/80 to 2/1/80

James S. Stier
10/2/79
Concurred in 10-9-79 Charles W. Westerman
City Clerk

BILL NO. X-79-06-33 (AS AMENDED)

ANNEXATION ORDINANCE NO. X-07-79

AN ORDINANCE annexing certain territory
to the City of Fort Wayne, and including
the same in Councilmanic District No. 4
effective February 1, 1980

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
WAYNE, INDIANA:

SECTION 1. That the following described territory be and the same,
is hereby annexed to and made a part of the corporation of the City of Fort
Wayne, Indiana, effective February 1, 1980, to-wit:

Part of Sections 4 and 5, Township 30 North, Range 12
East, more particularly described as follows:

Beginning on the west line of Lot #4 Romys Sub. as
recorded in Plat Book 5, Page 6, and the north right-
of-way of Illinois Rd; thence north on said west line

to the south right-of-way line of the Penn-Central Railroad; thence southeasterly along said right-of-way to the north right-of-way of Illinois Road; thence west along the north right-of-way to the point of beginning; containing approximately 55 acres.

SECTION 2. Governmental and proprietary services of the City of Fort Wayne will be provided to the above described area within a period of three (3) years of annexation in a manner that is substantially equivalent in standard and scope to the governmental and proprietary services furnished by the City to other areas of the City which have characteristics of topography, patterns of land utilization and population density similar to said described territory.

SECTION 3. That procedures for providing governmental and proprietary services to the above described area are outlined in the fiscal plan for the area developed by the Department of Community Development and Planning, which plan is examined, approved and adopted by the Common Council prior to the passage of this ordinance.

SECTION 4. Said annexed territory shall be part of Councilmanic District No. 4 of the City of Fort Wayne, Indiana as described in Section 2-9 of Article II of the Code of the City of Fort Wayne, Indiana, 1974.

SECTION 5. After its passage, approval by the Mayor, final publication and the required sixty (60) day remonstrance period, this ordinance shall be in full force and effect on February 1, 1980.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Hinga, Hunter, Moses, D. Schmidt, V. Schmidt,
Stier, Talarico
Nays: One
Nuckols

Date: 10-9-79 Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Annexation Ordinance No. X-07-79 on the 9th day of October, 1979.

ATTEST: (SEAL)

Charles W. Westerman Winfield C. Moses, Jr.
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of October, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of October, 1979, at the hour of 10:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. R-79-08-38

REPORT OF THE COMMITTEE ON ANNEXATION

We, your Committee on Annexation to whom was referred a Resolution of the Common Council setting forth the policy of the City in regard to the annexation of K-Mart West have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS

James S. Stier
William T. Hinga
Vivian G. Schmidt
John Nuckols
Samuel J. Talarico

Concurred in 10-9-79

Charles W. Westerman
City Clerk

BILL NO. R-79-08-38

RESOLUTION NO. R-61-79

A RESOLUTION of the Common Council
setting forth the policy of the City
in regard to the annexation of K-Mart
West

WHEREAS, the annexation of territory to the City is a legislative function; and

WHEREAS, the Common Council is called upon in the preparation of the City budget to provide for the furnishing of municipal services to the

entire City, including newly annexed areas; and

WHEREAS, the Common Council desires that newly annexed areas receive the full measure of municipal services; and

WHEREAS, the Common Council has before it an ordinance (Bill No. X-79-06-33) for the annexation of the K-Mart West Annexation area, more specifically described, to-wit:

Part of Sections 4 and 5, Township 30 North, Range 12 East, more particularly described as follows:

Beginning on the west line of Lot#4 Romys Sub. as recorded in Plat Book 5, Page 6, and the north right-of-way of Illinois Road; thence north on said west line to the south right-of-way of the Penn-Central Railroad; thence southeasterly along said right-of-way to the north right-of-way of Illinois Road; thence west along the north right-of-way line of Illinois Road to the point of beginning; containing approximately 55 acres.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That in the case of the K-Mart West annexation it is the policy of the City of Fort Wayne to follow the provision of Common Council Resolution No. _____ with regard to the provision of non-capital and capital services to the annexation area.

SECTION 2. That it is the policy of the City to follow the annexation fiscal plan for said described territory as prepared by the Department of Community Development and Planning.

SECTION 3. That said plan sets forth cost estimates of the services to be provided, the methods of financing these services, the plan for the organization and extension of these services, delineates the non-capital improvement services to be provided within one (1) year of annexation, the capital improvement services to be provided within three (3) years of annexation, and the plan for hiring employees of other governmental entities whose jobs will be eliminated by this annexation.

SECTION 4. Said plan is hereby approved and adopted by the Common Council and shall be in force upon the effective date of the K-Mart West annexation ordinance, Bill No. X-79-06-33.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Burns, Hinga, Hunter, Moses, D. Schmidt, V. Schmidt,
Stier, Talarico

Nays: One

Nuckols

Date: 10-9-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-61-79 on the 9th day of October, 1979.

ATTEST: (SEAL)

Charles W. Westerman Winfield C. Moses, Jr.
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of October, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of October, 1979, at the hour of 10:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

THE COUNCIL THEN ADJOURNED.

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of the City of Fort Wayne, Indiana and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings of the Common Council of the City of Fort Wayne, Indiana for its Regular Session, held on Tuesday the 9th day of October, 1979 that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor as and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 17th day of October, 1979.

Charles W. Westerman
City Clerk

Minutes approved and signed in open council this 23rd day of October, 1979.

ATTEST: (SEAL)

CITY CLERK

PRESIDING OFFICER